

TOWN PLANNING BOARD

Minutes of 519th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 26.9.2014

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Mr F.C. Chan

Dr W.K. Yau

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr Peter K.T. Yuen

Dr Eugene K.K. Chan

Chief Traffic Engineer/New Territories West,
Transport Department
Mr W.C. Luk

Chief Engineer (Works), Home Affairs Department
Mr Frankie W.P. Chou

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr H.M. Wong

Assistant Director/Regional 3,
Lands Department
Mr Edwin W.K. Chan

Deputy Director of Planning/District
Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Dr C.P. Lau

Ms Anita W.T. Ma

Professor K.C. Chau

Mr Lincoln L.H. Huang

Mr David Y.T. Lui

In Attendance

Assistant Director of Planning/Board
Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board
Mr Louis K.H. Kau

Town Planner/Town Planning Board
Mr William W.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 518th RNTPC Meeting held on 12.9.2014

[Open Meeting]

1. The draft minutes of the 518th RNTPC meeting held on 12.9.2014 were confirmed without amendments.

Agenda Item 2

Matters Arising

- (i) Information Note and Hearing Arrangement for Consideration of Representations and Comments in respect of Draft Kwu Tung North Outline Zoning Plan No. S/KTN/1 and Draft Fanling North Outline Zoning Plan No. S/FLN/1

[Open Meeting]

2. The Secretary reported that on 4.7.2014, the Board considered the Information Note and Hearing Arrangement for Consideration of Representations and Comments to the Draft Kwu Tung North Outline Zoning Plan (OZP) No. S/KTN/1 and Draft Fanling North OZP No. S/FLN/1 (TPB Paper No. 9685). It was agreed that hearing of the representations and comments of the two draft OZPs should be considered in four groups with reference to the major issues raised, namely Group 1 on rail, road infrastructure or traffic issues, Group 2 on conservation issues, Group 3 on specific land-use proposals, and Group 4 on general issues. Upon further processing of the representations and comments, the Planning Department proposed to fine-tune the grouping by removing four representations (i.e. R27, 31, 32 and 73 of Kwu Tung North OZP) from Group 3 to Group 1 as their main grounds of representations were related to traffic issues. The Secretary said that the proposed regrouping had been issued to Members via email on 25.9.2014.

3. Members agreed to the proposed regrouping and that the hearing papers for Groups 1 and 3 under preparation would be revised accordingly.

- (ii) Section 16 Application No. A/MOS/96
Proposed Residential Institution (Off-campus Student Hostel) with
Minor Relaxation of Non-domestic Gross Floor Area Restriction for
Ancillary Facilities Serving the Student Hostel
in “Comprehensive Development Area (1)” Zone, STTL 502, STTL574 and
Adjoining Government Land near Lok Wo Sha, Ma On Shan
[Open Meeting]

4. The Secretary reported that application No. A/MOS/96 was submitted by the City University of Hong Kong (CityU). Mr H.F. Leung had declared an interest in this item as he was a part-time lecturer of CityU. The Committee agreed that the interest of Mr H.F. Leung was direct and he should leave the meeting temporarily for this item.

[Mr H.F. Leung left the meeting temporarily at this point.]

5. The Secretary said that on 8.8.2014, the Committee approved with conditions application No. A/MOS/96 for a proposed student hostel within the “Comprehensive Development Area (1)” (“CDA(1)”) zone, Whitehead, Ma On Shan. The “CDA(1)” zone comprised three portions, i.e. the subject site for student hostel, Double Cove and a residential development under construction. On 30.8.2014, the Owners’ Committee of Double Cove (OC) submitted a letter to the Board complaining the presentation of inaccurate information (i.e. the number of flats in Double Cove) by the representative of the Planning Department (PlanD) at the meeting of 8.8.2014, which might affect the Committee’s decision of approving the application. The OC pointed out that the entire Double Cove development would have 3,500 units as opposed to the 2,000 units as presented by PlanD in response to a Member’s enquiry at the meeting. The OC requested the Committee to reconsider the subject application. The OC also reiterated their comments as provided during the first three weeks of the statutory public inspection period of the application. The letter from the OC was tabled at the meeting.

6. While the number of 2,000 units in Double Cove as presented by PlanD at the meeting was a misquote, the actual number of flats of 3,537 units in STTL 502 (i.e. the development site of Double Cove) had been stated in the paper considered by the Committee on 8.8.2014.

7. The Committee noted the letter from the OC and agreed that the number of flats, as clarified by the OC, should not affect the Committee's decision of approving application No. A/MOS/96 which was made mainly on the consideration that the proposed development was in line with the planning intention of the "CDA(1)" zone; it had the policy support from the Education Bureau; the proposal complied with the development restrictions of the OZP and it would not generate significant adverse impacts. The Town Planning Board Secretariat would reply the OC accordingly.

Sai Kung and Islands District

[Mr Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs) and Mr W.C. Lui, Town Planner/Sai Kung and Islands (TP/SKIs) were invited to the meeting at this point.]

Agenda Item 3

Proposed Amendments to the Approved Tung Chung Town Centre Area
Outline Zoning Plan No. S/I-TCTC/18
(RNTPC Paper No. 11/14)

8. The Secretary reported that this item involved proposed amendments to the Tung Chung Town Centre Area Outline Zoning Plan (OZP) for a proposed Home Ownership Scheme (HOS) development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item:

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| Mr K.K. Ling
(Chairman)
as the Director of Planning | - being a member of the Strategic Planning Committee (SPC) and the Building Committee of HKHA |
| Ms Edwin W.K. Chan
as the Assistant Director of Lands | - being an alternate member for the Director of Lands who was a member of HKHA |
| Mr Frankie W.P. Chou
as the Chief Engineer | - being an alternate member for the Director of Home Affairs who was a |

(Works) of the Home Affairs Department	member of the SPC and the Subsidised Housing Committee of HKHA
Ms Janice W.M. Lai	- having current business dealings with HKHA
Mr H.F. Leung	- having current business dealings with HKHA and being a member of the Tender Committee of HKHA

9. According to the procedure and practice adopted by the Board, as the proposed HOS development was only the subject of amendment to the OZP proposed by the Planning Department (PlanD), the Committee agreed that the interests of the Chairman, Mr Edwin W.K. Chan, Mr Frankie W.P. Chou, Ms Janice W.M. Lai and Mr H.F. Leung on this item would only need to be recorded and they could stay in the meeting.

[Mr H.F. Leung returned to join the meeting at this point.]

10. With the aid of a Powerpoint presentation, Mr W.C. Lui, TP/SKIs, presented the proposed amendments to the approved Tung Chung Town Centre Area OZP No. S/I-TCTC/18 as detailed in the Paper and covered the following main points :

- (a) the proposed amendments were related to the rezoning of a site in Town Chung Area 27 from “Government, Institution or Community” (“G/IC”) to “Residential (Group A)1” (“R(A)1”) (**Amendment Item A1**) and two adjacent strips of land from an area shown as ‘Road’ to “R(A)1” (**Amendment Item A2**) for the proposed HOS development; rezoning of an adjacent strip of land from “G/IC” to an area shown as ‘Road’ to reflect the existing condition (**Amendment Item B**); and rezoning of an adjacent strip of land from “G/IC” to “Green Belt” (“GB”) and “Village Type Development” (“V”) (**Amendment Items C and D**) to realign the zoning boundaries due to Amendment Item A1;
- (b) the site was located at the southwest of Tung Chung New Town, and was surrounded by the North Lantau Hospital to the north, Yat Tung Estate, Fu Tung Estate and Yu Tung Court to the northwest and northeast, as well as

Ma Wan New Village zoned “V” to the immediate south. The site was partly occupied by a temporary 5-a-side soccer pitch and partly vacant. It was originally reserved for the development of school and church cum kindergarten. Replacement sites for the school and church cum kindergarten had been reserved in Tung Chung and no other GIC facilities were required at the site by concerned departments. Besides, HD had undertaken to relocate the soccer pitch to Tung Chung Area 39. As such, the site could be released for housing development;

- (c) it was proposed to stipulate a maximum plot ratio (PR) of 6 and a maximum building height (BH) of 135mPD for the “R(A)1” zone. The proposed PR of 6 was in accordance with the Government policy to increase the development density by around 20% for new housing sites. The proposed maximum BH of 135 mPD was generally compatible with Yat Tung Estate nearby (with maximum BH of 125 mPD). According to the notional scheme prepared by HD, the proposed HOS development could provide about 1,100 flats and was scheduled for completion in 2019/20;
- (d) HD had conducted preliminary technical assessments on visual, air ventilation, traffic, environmental, sewerage, drainage, water supply, natural terrain hazard and quantitative risk aspects. Concerned departments had no objection to / no adverse comment on the proposed amendments. The visual appraisal conducted by HD demonstrated that the proposed development was generally acceptable in view of their visual compatibility with the built environment. Besides, the proposed rezoning would not have any adverse impact on the GIC facilities and open space provision in Tung Chung;
- (e) the Notes of the OZP were amended to incorporate the maximum PR and BH restrictions mentioned above. The Explanatory Statement (ES) of the OZP was revised to reflect the corresponding proposed amendments and to update the general information of various land use zones where appropriate; and

- (f) HD had consulted the Islands District Council (IsDC) on the proposed HOS development on 1.9.2014. Members of IsDC generally supported the proposed HOS development. The IsDC and Tung Chung Rural Committee would be consulted during the exhibition period of the draft Tung Chung Town Centre Area OZP for public inspection;

11. After deliberation, the Committee decided to :

- (a) agree that the proposed amendments to the approved Tung Chung Town Centre Area Outline Zoning Plan (OZP) No. S/I-TCTC/18 as shown on the draft Tung Chung Town Centre Area OZP No. S/I-TCTC/18C (to be renumbered as S/I-TCTC/19 upon exhibition) and its draft Notes were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance; and
- (b) adopt the revised ES for the draft Tung Chung Town Centre Area OZP No. S/I-TCTC/18C (to be renumbered as S/I-TCTC/19 upon exhibition) as an expression of the planning intention and objectives of the Town Planning Board for various land use zonings on the OZP and the revised ES would be published together with the draft OZP.

[The Chairman thanked Mr Ivan M.K. Chung, DPO/SKIs and Mr W.C. Lui, TP/SKIs, for their attendance to answer Members' enquires. Mr Chung and Mr Lui left the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting]

A/I-TCTC/48 Proposed Holiday Camp in "Government, Institution or Community" and "Green Belt" Zones and an area shown as 'Road', Lot 175 in D.D. 4 Tung Chung and adjoining Government Land, Lantau Island
(RNTPC Paper No. A/I-TCTC/48A)

12. The Committee noted that the applicant's representative requested on 23.9.2014 for further deferment of the consideration of the application for another two months so as to allow time to prepare further information on landscaping and geotechnical aspects. This was the applicant's second request for deferment.

13. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the second deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of four months for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

[Mr Kenny C.H. Lau and Mrs Alice K.F. Mak, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-PC/6 Proposed Rain Shelter and Footpath with Excavation and Filling of
Land in "Coastal Protection Area" and "Green Belt" Zones,
Government Land along the Coast to the East of Finger Hill, Peng
Chau
(RNTPC Paper No. A/I-PC/6)

14. The Secretary reported that the application was submitted by the Home Affairs Department (HAD). Mr Frankie W.P. Chou, as the Chief Engineer (Works), HAD, had

declared an interest in this item. Ms Janice W.M. Lai had also declared an interest in this item as she had current business dealings with HAD. The Committee agreed that the interests of Mr Chou and Ms Lai were direct and they should leave the meeting temporarily for this item.

[Mr Frankie W.P. Chou left the meeting at this point. Ms Janice W.M. Lai left the meeting temporarily at this point.]

Presentation and Question Sessions

15. Mr Kenny C.H. Lau, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed rain shelter and footpath with excavation and filling of land;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from World Wide Fund for Nature Hong Kong and Kadoorie Farm and Botanic Garden. They objected to the application on the grounds that the proposal would cause some ecological impacts at the locality, and the proposed man-made feature was not necessary because there was a similar pavilion serving as a scenic vantage point in close proximity. No local objection/view was received by the District Officer (Islands); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper. Regarding the two public comments, the Director of Agriculture, Fisheries and Conservation considered that ecological impact of the

proposal was unlikely to be significant. It was recommended to stipulate an approval condition to reinstate the landscape. The proposal was in response to the local request and would be funded by Islands District Council under the District Minor Works Programme.

16. Members had no question on the application.

Deliberation Session

17. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 26.9.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

“the submission and implementation of a landscape reinstatement proposal to the satisfaction of the Director of Planning or of the TPB.”

18. The Committee also agreed to advise the applicant of the following :

“to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department that the applicant should review whether the polycarbonate sheet cover proposed for the rain shelter could provide adequate shading effect. The self-tapping screw fixing for the cover should be secure enough, as the rain shelter may be susceptible to strong coastal winds.”

[Ms Janice W.M. Lai returned to join the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-PC/7 Proposed Minor Relaxation of Gross Floor Area and Building Height Restrictions for Permitted House and Flat Uses in “Residential (Group B)” Zone, Lot 378 s.A, 378 R.P. (Portion), 379, 380 s.A (Portion) and 380 R.P. (Portion) in D.D. Peng Chau and Adjoining Government Land, Peng Chau
(RNTPC Paper No. A/I-PC/7)

Presentation and Question Sessions

19. Mr Kenny C.H. Lau, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of gross floor area (GFA) and building height (BH) restrictions for permitted House and flat uses;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper, which were summarized as follows:
 - (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application from urban design, visual impact, air ventilation and landscape planning perspectives. According to the current submission, the proposed scheme had not adopted a very effective stepped height profile. There was also a lack of demonstration of any innovative design in the scheme. The proposed 8 to 9-storey towers forming a continuous development frontage of about 140m in length would become a “wall-like” structure. The applicant should submit relevant materials including photomontage and/or visual

appraisal to illustrate the visual impact of the proposal. From air ventilation perspective, the 140m development frontage might create a localized wind shadow, in particular on the existing public housing sites and the proposed houses in the downstream area. The applicant should address the potential air ventilation impact in the submission. From landscape planning perspective, there was no information in the submission to demonstrate that there would be no adverse landscape impact arising from the proposed minor relaxation of GFA and BH. With reference to the proposed landscape layout, there was a lack of centralized open space for residents to use and excessive hard paved area, swimming pools and/or water features with little tree and shrub planting provided;

- (ii) the Director of Environmental Protection (DEP) did not support to the application at this stage as there were key deficiencies in the Sewerage Impact Assessment (SIA) submitted by the applicant and hence it was unable to demonstrate the proposal with GFA increase would be acceptable from sewerage planning viewpoint;
- (iii) the Commissioner for Transport (C for T) had reservation on the application unless the applicant could substantiate the application that there was no adverse effect on the existing ferry services. To address the concern from Peng Chau Rural Committee (PCRC) on the adverse impact on the existing ferry services, the applicant was advised to conduct an assessment to demonstrate whether the existing ferry services (without additional resource involved) could cater for the newly generated passenger demand due to the proposed development; and
- (iv) the Commissioner for Heritage's Office, Development Bureau (CHO, DEVB) and the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) advised that the Great China Match Factory within the site was a Grade 3 historic building. To encourage heritage conservation as far as possible, the

Government was willing to explore with the owner of the factory the forms of assistance required and any possible economic incentives commensurate with the heritage value of the factory;

- (d) during the first three weeks of the statutory publication period, a total of 43 public comments objecting to the application were received which were submitted by PCRC, Designing Hong Kong Limited, Peng Chau News, local residents and other individuals. There were two types of standard/similar letters in which 22 and 10 copies were submitted respectively. The public comments objected to the application mainly on the following grounds:
- (i) the proposed minor relaxation of development restrictions would impose extra burden on the existing traffic, medical, community, cultural, recreational and entertainment facilities and cause great inconvenience to the daily life of the local residents;
 - (ii) the justifications provided in the application, like “no adverse sewerage and traffic impact” and “in line with government policy” were not convincing. The cumulative impact would be serious and overstrain the infrastructure. Instead of helping private developers to increase their profits, the Government should construct public housing to address housing shortage;
 - (iii) most of the buildings in Peng Chau were three storeys high. The proposal would destroy the serene environment and rural character of the island which was regarded by many as an ideal place to live. The original planning intention, rural environment and natural ridgeline of the area should be respected;
 - (iv) some time earlier, three pieces of land in Peng Chau were acquired by a single developer, and the structures were of three storeys high. Granting special treatment to other developer was opposed; and

- (v) no relevant surveys had been provided to assess the environmental, traffic, visual and landscape impacts generated by the proposed increase in development intensity. Archaeological impact assessment of the former match factory should be conducted before its destruction by the proposed development;

- (e) no local objection/view was received by the District Officer (Islands); and

- (f) the PlanD's views – PlanD did not support the application for reasons as detailed in paragraph 10 of the Paper, which were summarised as follows:
 - (i) as stated in the Explanatory Statement, the development scheme at the “R(B)” zone should adopt a stepped height profile and comprehensive landscape design to blend in with the surrounding natural environment. Application for minor relaxation of the GFA and BH restrictions for the “R(B)” zone should be justified on the individual merits of a development or redevelopment proposal;

 - (ii) under the current scheme, the stepped height profile was considered not very effective. The proposed residential towers formed a continuous development frontage of about 140m in length which became a “wall-like” structure. The applicant had not submitted relevant materials to illustrate that the proposed development would not generate any adverse visual impact. In terms of air ventilation, the 140m development frontage might create a localized wind shadow. Since the applicant had not demonstrated any innovative design in the proposed scheme that might justify for the proposed minor relaxation of development restrictions, CTP/UD&L, PlanD had reservation on the proposal from urban design, air ventilation and landscape perspectives;

 - (iii) the applicant had not explored any opportunity for preserving the Grade 3 historic building on the site. The preservation proposal and restoration plan prepared by AMO for the former match factory

(Grade 3 historic building) had been declined by the applicant. There was no special design merit to justify for the proposed increase in GFA and BH;

- (iv) on the infrastructure aspects, the SIA was unable to demonstrate that the proposed GFA increase would be acceptable from sewerage planning viewpoint as there were key deficiencies in the assessment. DEP therefore did not support the proposed minor relaxation of development restrictions. C for T also had reservation on the application unless the applicant could conduct an assessment to demonstrate that the existing ferry services could cater for the newly generated passenger demand due to the proposed increase in development intensity;
- (v) relaxation of the development restrictions without sufficient design merits would set an undesirable precedent for similar applications within the residential zones in Peng Chau. The cumulative effect of approving such similar applications would overstrain the capacity of the existing and planned infrastructure and result in a general degradation of the rural environment of Peng Chau; and
- (vi) there were 43 public comments objecting to the application.

20. In response to the Chairman's question, Mr Kenny C.H. Lau said that residential development was permitted as of right under "R(B)" zone if minor relaxation of GFA and BH restrictions was not applied for. Before submitting the subject application, the applicant had applied for a land exchange for the site which complied with the development restrictions of "R(B)" zone under the OZP.

Deliberation Session

21. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- “(a) there are no strong planning justifications and no design merits to justify for the proposed minor relaxation of gross floor area and building height;
- (b) there is insufficient information in the submission to demonstrate that there are no adverse visual, air ventilation, landscape, traffic and sewerage impacts generated by the proposed development; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the residential zones. The cumulative effect of approving such similar applications will overstrain the capacity of the existing and planned infrastructure and result in a general degradation of the rural environment of Peng Chau.”

Agenda Item 7

Section 16 Application

[Open Meeting]

A/I-TOF/1 Proposed Rain Shelter with Filling of Land (depth of filling about 2m)
in “Conservation Area” Zone, Government Land at Sun Ki Street,
Tai O, Lantau Island
(RNTPC Paper No. A/I-TOF/1A)

22. The Secretary reported that the application was submitted by the Home Affairs Department (HAD). Mr Frankie W.P. Chou, as the Chief Engineer (Works), HAD, had declared an interest in this item. The Committee noted that Mr Chou had already left the meeting.

23. The Committee noted that the applicant’s representative requested on 19.9.2014 for further deferment of the consideration of the application for another two months so as to allow time for the applicant to complete the tasks including collecting and consolidating comments from bureaux and departments, taking site measurement and preparing revised drawings to address relevant bureaux and departments’ concerns on the proposal. This was the applicant’s second request for deferment.

24. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the second deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of four months for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

[Ms Christina M. Lee arrived to join the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/235 Temporary Private Swimming Pool for a Period of 3 Years in "Village Type Development" and "Agriculture" Zones, Lot 479 in D.D. 244 ,
Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/235)

25. The Secretary reported that RHL Surveyors Ltd. was the consultant of the applicant. Mr H.F. Leung had declared an interest in this item as he worked in the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong which had received donation from RHL Surveyors Ltd.. As Mr Leung had no involvement in this application, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

26. Mrs Alice K.F. Mak, STP/SKIs, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary private swimming pool for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments made in paragraph 10 of the Paper.

27. In response to a Member's question, Mrs Alice K.F. Mak said that 92% of the site (i.e. 111m²) fell within "Village Type Development" ("V") zone and the concerned swimming pool occupied an area of 29.4m². Another Member asked whether the entire site would be deducted from the calculation of land supply within the concerned "V" zone for Small House development, and whether the remaining part of the site was used as a carpark. In response, Mrs Mak said that the entire site was a private lot and remaining part was used as a private carpark. As regards the calculation of land supply within "V" zone, she had no information at hand and could provide the information after the meeting if required.

Deliberation Session

28. A Member said that given the land supply for Small House development was acute in many areas, it was important to determine whether the site, which was used for swimming pool and carpark of a Small House development, would be excluded from the total land supply within the "V" zone available for Small House development. In response, the Secretary said that in general, private lots occupied by existing Small Houses and land with

outstanding Small House applications would be excluded from calculation. The Chairman said that although the site was large enough for another Small House development, it was within a private lot and whether it would be used for Small House development was a decision of the owner of the site.

29. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.9.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of fire service installations and water supplies for firefighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.3.2015;
- (b) in relation to (a) above, the implementation of fire service installations and water supplies for firefighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.6.2015;
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (d) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

30. The Committee also agreed to advise the applicant of the following :

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to approach the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) for applying a short term waiver;
- (c) to note the comments of the DLO/SK, LandsD that the existing swimming

pool under application is not acceptable under the existing lease. If the application is approved by the Board, a short term waiver will required to effect the proposal and the lot owner will need to provide necessary information to facilitate the processing of the waiver application. However, there is no guarantee that the waiver application will be approved by the Government. Such waiver application, if eventually approved, will be subject to such terms and conditions, including payment of a waiver fee, as the Government considers appropriate;

- (d) to note the comments of the District Survey Officer/Sai Kung, LandsD that there is no information showing the extent of the pool deck. The applicant should ensure that the deck would not straddle over the western boundary of the lot. The swimming pool and the deck are very close to the existing perimeter wall along the western boundary of the lot;
- (e) to note that the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department has no in-principle objection to the application subject to the following:
 - (i) removal of all unauthorized building works/structures ;
 - (ii) all building works are subject to compliance with Buildings Ordinance;
 - (iii) Authorized Person must be appointed to coordinate all building works in accordance with the Buildings Ordinance. However, carrying out minor works can follow the provision laid down under the Minor Works Control System; and
 - (iv) the granting of the planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action may be taken to effect the removal of all unauthorized works in the future;

- (f) to note the comments of the Director of Fire Services that emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by the Buildings Department. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (h) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage facilities should be provided and maintained in connection with the swimming pool without causing any adverse drainage impacts or nuisance to the adjoining areas;
- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation that the wastewater from the pool should be properly disposed but not discharging directly into stream courses; and
- (j) to note the comments of the Director of Environmental Protection that the wastewater from the filtration plant of the swimming pool should be discharged to existing septic tank and soakaway system as there are no public sewers in the area.”

Agenda Item 9

Section 16 Application

[Open Meeting]

A/SK-PK/210 Residential Institution (Hostel) ancillary to an Indoor Recreational Hobby Farm in “Recreation” Zone, Lot 333S. BRP in D.D. 221, Sha Kok Mei, Sai Kung
(RNTPC Paper No. A/SK-PK/210A)

31. The Secretary reported that Landes Ltd. was the consultant of the applicant. Ms Janice W.M. Lai and Mr Ivan C.S. Fu had declared interests in this item as both of them had current business dealings with Landes Ltd. As the applicant had requested for deferment of consideration of the application and Ms Lai and Mr Fu had no involvement in this application, the Committee agreed that they could stay in the meeting.

32. The Committee noted that the applicant’s representative requested on 10.9.2014 for further deferment of the consideration of the application for another one month so as to allow time for the applicant to prepare further information to respond to further comments from the Transport Department and the Urban Design and Landscape Section of Planning Department. This was the applicant’s second request for deferment.

33. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information. Since it was the second deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of three months for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 10

Section 16 Application

[Open Meeting]

A/SK-PK/212

Proposed Temporary Shop and Services (Retail Shop, Car Washing and Waxing Service) with Ancillary Office for a Period of 3 Years in "Recreation" Zone, Lot 579RP in D.D. 217, Tai Chung Hau Road Track, Sai Kung

(RNTPC Paper No. A/SK-PK/212A)

34. The Committee noted that the applicant's representative requested on 2.9.2014 for further deferment of the consideration of the application for another two months so as to allow time for preparation of further information to address the further comments from the Transport Department and the Environmental Protection Department. This was the applicant's second request for deferment.

35. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the second deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of three months for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 11

Section 16 Application

[Open Meeting]

A/SK-TLS/44 Temporary Soil Track (Temporary Access Road for House Development) for a Period of 1 Year 2 Months in "Green Belt" Zone, Lots 1066 and 1071 S.A (Part) and adjoining Government Land in D.D. 253, Au Tau Village, Sai Kung
(RNTPC Paper No. A/SK-TLS/44)

36. The Committee noted that the applicant's representative requested on 3.9.2014 for deferment of the consideration of the application for two months in order to allow more time to address the departmental comments. This was the applicant's first request for deferment.

37. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr Kenny C.H. Lau and Mrs Alice K.F. Mak, STPs/SKIs, for their attendance to answer Members' enquires. Mr Lau and Mrs Mak left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 12

Section 16 Application

[Open Meeting]

A/DPA/NE-TT/1 Proposed Two Houses (New Territories Exempted Houses - Small Houses) in area designated as “Unspecified Use”, Lots 476 S.B ss.2 and ss.3 in D.D. 289, Ko Tong, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/1)

38. The Committee noted that the applicant’s representative requested on 12.9.2014 for deferment of the consideration of the application for two months to allow time for consultation of relevant Government departments and preparation of submission of further information. This was the applicant’s first request for deferment.

39. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Mr C.K. Soh, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), Mr Wallace W.K. Tang, Mr Edwin P.Y. Young and Mr Anthony K.O. Luk, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/147 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 259 S.C in
D.D. 52, Sheung Shui Wa Shan, Sheung Shui
(RNTPC Paper No. A/NE-FTA/147)

Presentation and Question Sessions

40. Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development point of view as the site was under active cultivation and agricultural activities in the vicinity of the site were active. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Notwithstanding the above, the application only involved construction of a Small House. The application could be tolerated unless it was rejected on other grounds;
- (d) during the first three weeks of the statutory publication period, two public comments from a North District Council (NDC) member and Designing Hong Kong Limited (DHKL) were received. The NDC member

supported the application as it was good for the villagers. DHKL objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone; agricultural land should be retained to safeguard the food supply for Hong Kong; no environmental, traffic, drainage and sewerage assessments had been submitted; and approval of the case would set an undesirable precedent for similar applications. No local objection/view was received by the District Officer (North); and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. Notwithstanding DAFC did not support the application from an agricultural development standpoint and there were adverse public comments, the application generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) in that more than 50 % of the footprint of the proposed Small House fell within the village ‘environs’ of Wa Shan Village and there was insufficient land within the “V” zone of Wa Shan Village to meet the Small House demand. Hence, sympathetic consideration could be given to the application. Besides, 19 similar applications in the vicinity of the site within the same “AGR” zone were approved by the Committee between 2008 and 2014. Some of the approved cases were in close proximity to the site. There had not been any material change in planning circumstances for the area since the approval of these applications.

41. Members had no question on the application.

Deliberation Session

42. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 26.9.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

43. The Committee also agreed to advise the applicant of the following :

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department’s standards; and
 - (ii) the site is located within the flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road leading from Man Kam To Road to the site is not maintained by HyD; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/547 Proposed 5 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” Zone, Lots 1677 S.A, 1677 S.B, 1677 S.C, 1677 S.D and 1677 S.E in D.D. 76, Leng Pei Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/547)

Presentation and Question Sessions

44. Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed five Houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the

site had high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Notwithstanding the above, the application only involved construction of five Small Houses. The application could be tolerated unless it was rejected on other grounds;

- (d) during the first three weeks of the statutory publication period, six public comments were received. Among them, the Chairman of Fanling District Rural Committee and a North District Council member indicated no comment on the application. The remaining public comments were from Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited and members of the public objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone; agricultural land should be retained to safeguard the food supply for Hong Kong; Small House development should be limited to the existing “V” zone; there would be adverse traffic impacts; no environmental, traffic, drainage and sewage assessments had been submitted; and approval of the case would set undesirable precedents for similar applications. No local objection/view was received by the District Officer (North); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. Notwithstanding DAFC did not support the application from an agricultural development standpoint and there were adverse public comments, the application generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) in that more than 50% of the footprint of the proposed Small Houses fell within the village ‘environs’ (‘VE’) of the same village and there was insufficient land within the “V” zone of the same village. Hence, sympathetic consideration could be given to the application. The proposed Small Houses development was not incompatible with the surrounding area which was rural in character, and the village proper of

Leng Pei Tsuen was located nearby to its northeast. The proposed development was not expected to have significant adverse traffic, environmental and drainage impacts on the surrounding area. Other relevant government departments had no adverse comment on or no objection to the application. Besides, the site was the subject of a previous application for the same applied use. There were also 34 similar applications in the vicinity which were all approved by the Committee between 2003 and 2014. Some of the approved cases were in close proximity to the site. There had not been any major change in planning circumstances for the area since the approval of the previous and the similar applications.

45. Noting that a number of planning applications for Small House developments outside the subject “V” zone but within the subject ‘VE’ were approved by the Committee since 2008, a Member asked why many of these approved applications had still not yet been implemented as revealed by the aerial photo in Plan A-3 of the Paper. In response, Mr Wallace W.K. Tang said that the applicants of these sites would need to apply for Small House grants before they could commence construction. According to the record, most of these applicants had applied for Small House grants which were either being processed or had been approved by the Lands Department (LandsD). In response to the Chairman’s question, Mr Edwin W.K. Chan, Assistant Director/Regional 3, LandsD, said that there was no general restriction on the implementation time of Small House developments after obtaining approval of Small House grant.

Deliberation Session

46. A Member said that the Committee should carefully consider whether Small House development outside the subject “V” zone but within the subject ‘VE’ should be further approved as there seemed to be space for Small House development within the subject “V” zone as shown on the aerial photo and many approved applications for Small House development had still not yet been built after obtaining their planning approvals up to a period of six years. Allowing Small House developments proliferating outside the subject “V” zone would defeat the planning intention of “V” zone which was to concentrate village type development for a more orderly development pattern.

47. A Member asked about the current situation of the undeveloped land in the subject “V” zone. In response, Mr Tang said that some of the undeveloped land within the subject “V” zone was vegetated slopes which was not suitable for Small House development, and thus not counted as land available in the subject “V” zone for Small House development. The Chairman said that LandsD would take into account the site context and topography when deciding whether to approve Small House grants within the subject “V” zone. Regarding the previously approved applications for Small House developments, the Committee should take into account the efforts paid by those applicants to take forward the concerned Small House developments by applying for Small House grants, although some of them were still being processed. Furthermore, given that previous applications for Small House developments outside the subject “V” zone but within the subject ‘VE’ had been approved by the Committee, and if there was no change in planning circumstances, it was more appropriate to follow the Interim Criteria and maintain the consistency of the Committee’s decisions. The Vice-chairman said that sympathetic consideration could be given to the subject application in view of the previously approved applications adjacent to the site and the previously approved application on the site.

48. A Member was concerned that while it was necessary to maintain the consistency of the Committee’s decisions, allowing the proliferation of low-density Small House developments outside “V” zone was not in line with the prevailing policy to increase housing land supply in Hong Kong. In view of the keen demand for housing land in Hong Kong, land resources would be underutilized if they were approved for low-density Small House developments. The Member considered that the Committee should adopt a more stringent approach in considering Small House developments outside “V” zone.

49. In response, the Chairman said that similar issues had been discussed in the Committee’s previous meetings and the deliberation had been recorded in the minutes. While the Interim Criteria was still applicable, the Committee decided not to put too much weight on the 10-year Small House demand forecast which was less certain and imminent. As regards the subject planning application, the outstanding Small House applications for Ma Mei Ha Leng Tsui and Leng Pei Tsuen were 33 while the 10-year Small House demand forecast for the same village was 128. Land available to meet Small House demand within the “V” zone in Ma Mei Ha Leng Tsui and Leng Pei Tsuen was about 0.99 ha which was equivalent to 39 Small House sites. As such, there was not enough space in the subject “V”

zone to meet the Small House demand.

[Mr H.M. Wong left the meeting at this point.]

50. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 26.9.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of septic tanks, as proposed by the applicants, at locations to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

51. The Committee also agreed to advise the applicant of the following :

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Sha Tau Kok Road to the site is not maintained by HyD;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) as follows:
 - (i) for provision of water supply to the proposed development, the applicants may need to extend their inside services to the nearest

suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and

- (ii) the site is located within the flood pumping gathering ground;
- (d) to note the comments of the Director of Fire Services that the applicants are reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal applications referred by LandsD; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicants should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works."

Agenda Items 15 and 16

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/548 Proposed Temporary Open Storage of Construction Machinery and Construction Material for a Period of 3 Years in "Village Type Development" zone, Lots 1601, 1602 (Part), 1603 (Part), 1604, 1605 and 1606 RP in D.D. 83 and adjoining Government Land, Ma Wat Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/548)

A/NE-LYT/549 Proposed Temporary Open Storage of Construction Machinery and Construction Material for a Period of 3 Years in “Village Type Development” zone, Lots 2009 S.A, 2009 S.B, 2009 S.C, 2009 S.D, 2009 S.E, 2009 S.F and 2009 RP in D.D. 83, Ma Wat Tsuen, Fanling (RNTPC Paper No. A/NE-LYT/549)

52. The Committee agreed that these two applications should be considered together since they were similar in nature (i.e. proposed temporary open storage of construction machinery and construction material for a period of 3 years) and the sites were located in close proximity to each other.

Presentation and Question Sessions

53. Mr Wallace W.K. Tang, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed temporary open storages of construction machinery and construction material for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Papers, which were summarized as follows:
 - (i) the Commissioner for Transport (C for T) did not support the applications. The applicant was required to submit a scaled layout plan showing the ingress/egress point, car parking and loading/unloading layout as well as the vehicular manoeuvring space within each of the sites, preferably by using swept-path analysis for C for T’s consideration;
 - (ii) the Director of Environmental Protection (DEP) did not support the applications as there were domestic structures in the vicinity of the sites and environmental nuisance was expected, the closest one was

located immediate south and west of the site of application No. A/NE-LYT/548 at a distance of less than 10m, and to the north-west of the site of application No. A/NE-LYT/549 at a distance of about 10m;

- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the applications from the landscape planning point of view. The proposed open storage uses at the sites were not compatible with the surrounding rural landscape character. For application No. A/NE-LYT/548, majority of the existing trees would be removed for the proposed use, and thus significant adverse impact on the existing landscape resources and character was anticipated. In addition, no tree preservation and landscape proposals were submitted. For application No. A/NE-LYT/549, when comparing the aerial photo taken on 18.1.2014 and according to the recent site visit, the trees and vegetation originally within the site were removed. Significant disturbance to the existing landscape resources and character had taken place. However, no landscape proposal was submitted to mitigate the landscape impact; and

- (d) for application No. A/NE-LYT/548, during the first three weeks of the statutory publication period, 15 public comments were received. Among the public comments received, one public comment from a North District Council (NDC) member objected to the application as the proposed development would attract heavy vehicles to the narrow village road creating adverse impacts and safety concerns to the villagers. Other public comments were from the local villagers / individuals raising objection to the application mainly on the grounds that the proposed development situated at the centre of a number of villages would have adverse impacts on environment and traffic, cause noise and air pollution, and affect the residents' health and safety. Moreover, the proposed development would also bring inconvenience to the tourists to the Lung Yeuk Tau Heritage Trail nearby;

- (e) for application No. A/NE-LYT/549, during the first three weeks of the statutory publication period, three public comments were received. Among the public comments received, one public comment from a NDC member objected to the application as the proposed development would attract heavy goods vehicles to the narrow village road, which would cause adverse impacts on and safety concerns to the villagers. Other public comments were from members of the public objecting to the application mainly on the grounds that the proposed development was located near village settlements and it would have adverse impacts on environment and traffic, bring about noise and air pollution problems, and affect the residents' health and safety. Moreover, the proposed development would also bring inconvenience to the tourists to the Lung Yeuk Tau Heritage Trail nearby;

- (f) the District Officer (North), Home Affairs Department (DO(N), HAD) advised that her office had consulted the locals regarding the applications. The Chairman of Fanling District Rural Committee (FDRC), the Indigenous Inhabitant Representatives and Resident Representative of Ma Wat Tsuen raised objection to the applications mainly on the grounds that the site(s) was/were situated in a residential neighbourhood (for application No. A/NE-LYT/548 only) and in close proximity to the main access to the villages, and the proposed development would cause adverse traffic impact on and safety concerns to the local residents nearby; and

- (g) the PlanD's views – PlanD did not support the applications for reasons as detailed in paragraph 12 of the Papers, which were summarised as follows:
 - (i) the sites were located entirely within the “Village Type Development” (“V”) zone of Wing Ning Wai, Wing Ning Tsuen, Tung Kok Wai, Ma Wat Tsuen, Ma Wat Wai, Tsz Tong Tsuen and Lo Wai. The developments were not in line with the planning intention of the “V” zone, which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for

development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. There was no strong planning justification in the submissions for a departure from such planning intention, even on a temporary basis;

- (ii) the sites were situated in an area of rural landscape character. CTP/UD&L, PlanD objected to the applications from the landscape planning point of view. For application No. A/NE-LYT/548, the majority of the existing trees would be removed for the proposed developments and significant adverse impact on the existing landscape resources and character was anticipated. For application No. A/NE-LYT/549, the trees and vegetation originally within the site were removed, and significant disturbance to the existing landscape resources and character had taken place. Besides, there were domestic structures in the vicinity of the sites. For application No. A/NE-LYT/548, the closest domestic structure was located immediate to the south and west of the site at a distance of about 10m. For application No. A/NE-LYT/549, the closest domestic structure was located immediate to the north-west of the site at a distance of about 10m. The uses under applications were likely to have adverse environmental impact on the residents nearby. In this regard, DEP did not support the applications;
- (iii) C for T did not support the applications and stated that the applicant had failed to demonstrate in the submissions that traffic arrangement, parking, loading/unloading arrangement and manoeuvring space within the sites would have no adverse impact on the surrounding area. Moreover, local objection relayed by DO(N), HAD on the adverse impacts on traffic and road safety concern had been received from nearby residents;
- (iv) the application did not comply with the Town Planning Board

Guidelines No. 13E (TPB PG-No. 13E) on 'Application for Open Storage and Port Back-up Uses' in that the sites fell within Category 4 area where applications would normally be rejected except under exceptional circumstances. There would be a general presumption against development on sites of less than 1,000m² for open storage uses in rural area (for application No. A/NE-LYT/549 only) in order to prevent the further proliferation of small sites in rural areas and concentrate activities within appropriate surroundings. The sites were not subject to any previous planning approval for similar open storage uses and the applicant had failed to demonstrate that the developments under applications would not have adverse traffic, environmental and landscape impacts on the surrounding area. Besides, there were adverse departmental comments and local objections against the applications. Approval of the application would set an undesirable precedent for similar applications in the "V" zone. The cumulative effect of approving such similar applications would result in adverse impact on the traffic, environment and landscape of the area;

- (v) similar application No. A/NE-LYT/439 for temporary open storage of metal, scrap metal, equipment for renovation, documents and home furniture uses falling within "V" zone in the vicinity of the sites was rejected by the Committee in 2011 mainly on considerations that the use under application was not in line with the planning intention and the proposed development was incompatible with the village settlements in the surrounding areas; it did not comply with the TPB PG-No. 13E; and the cumulative effect of approving these applications would result in a general degradation to the environment of the area. There had been no major change in planning circumstance for the area since the rejection of this similar application; and
- (vi) there were adverse public comments/local objections received during the statutory publication period mainly on the grounds that the

proposed use would cause adverse impacts on environment, traffic and drainage aspects, public health and safety risk to the local residents nearby.

54. Members had no question on the applications.

Deliberation Session

55. After deliberation, the Committee decided to reject the applications. Members then went through the reasons for rejection of each application as stated in paragraph 13.1 of the Papers and considered that they were appropriate. The reasons were :

- “(a) the application is not in line with the planning intentions of the “Village Type Development” (“V”) zone, which is to designate both existing recognized villages and areas of land considered suitable for village expansion and land within this zone is primarily intended for development of Small Houses by indigenous villagers, and to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines No. 13E in that the proposed development is not compatible with the surrounding land uses which are predominantly rural in character; there are adverse departmental comments on and local objections to the application; and the applicant fails to demonstrate that the proposed development would have no adverse environmental, traffic and landscape impacts on the surrounding area; and
- (c) approval of the application would set an undesirable precedent for similar applications within the same “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/95 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 326 S.A ss.1 S.A in D.D. 37, Man Uk Pin
Village, Sha Tau Kok
(RNTPC Paper No. A/NE-MUP/95)

Presentation and Question Sessions

56. Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as agricultural activities in the vicinity of the site were active and agricultural infrastructures, such as access road and water supply were available. As such, the potential for agricultural rehabilitation of the site was high. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Notwithstanding the above, the application which involved construction of only one Small House could be tolerated;
- (d) during the first three weeks of the statutory publication period, two public comments were received. A comment was from a North District Council

(NDC) member who supported the application as it would bring convenience to the villagers. The other comment was from the Designing Hong Kong Limited which objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone; agricultural land should be retained to safeguard the food supply for Hong Kong; no environmental, traffic, drainage and sewerage assessments had been submitted; and approval of the case would set an undesirable precedent for similar applications. No local objection/view was received by the District Officer (North); and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. DAFC did not support the application as the site had high potential for agricultural rehabilitation. While there were adverse public comments mainly on the planning intention of the “AGR” zone, land use compatibility, possible loss of agricultural land and setting of undesirable precedent, the application generally met the Interim Criteria for assessing planning application for NTEH/Small House development in that more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ (‘VE’) of Man Uk Pin Village and there was insufficient land within the “V” zone of Man Uk Pin Village to meet the Small House demand. Hence, sympathetic consideration could be given to the application. Besides, the proposed Small House was located adjacent to the “V” zone of Man Uk Pin Village and situated in an area dominated by village houses and farmland. The proposed development was not incompatible with the surrounding rural landscape character. Moreover, a total of 17 similar applications within the same “AGR” zone were approved by the Committee or by the Town Planning Board on review between 2001 and 2014. There had not been any material change in the planning circumstances for the area since the approval of these applications.

57. Members had no question on the application.

Deliberation Session

58. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 26.9.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

59. The Committee also agreed to advise the applicant of the following :

- “(a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that:
 - (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable Government water mains for connection and to resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards; and
 - (ii) the site is located within flood pumping gathering ground;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where public storm water

drainage and public sewerage connection are not available;

- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Wo Keng Shan Road to the site is not maintained by HyD;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that the site is in close proximity to the Man Uk Pin Stream, the upstream of which is an Ecologically Important Stream. Precautionary measures to avoid any disturbance and pollution to the stream should be adopted;
- (f) to follow the requirements as set out in the Professional Persons Environmental Consultative Committee Practice Notes 5/93 published by the Environmental Protection Department on the design and construction of the septic tank and soakaway pit system for the proposed Small House;
- (g) to strictly confine the construction works within the site and implement good site practices and other appropriate measures to avoid disturbance to the adjoining stream; and
- (h) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtains planning permission from TPB where required before carrying out the road works.”

Agenda Item 18

Section 16 Application

[Open Meeting]

A/NE-STK/3 Temporary Public Vehicle Park for Coaches, Light Goods Vehicles and Private Cars for a Period of 3 Years in “Recreation” Zone, Lot 152 S.B RP in D.D. 40, Sha Tau Kok
(RNTPC Paper No. A/NE-STK/3A)

60. The Committee noted that the applicant’s representative requested on 12.9.2014 for further deferment of the consideration of the application for another two months so as to allow time for the applicant to address the comments of the Transport Department, the Hong Kong Police Force and the Chief Town Planner/Urban Design and Landscape, Planning Department on the application. This was the applicant’s second request for deferment.

61. In response to the Chairman’s question, Mr Wallace W.K. Tang said that the site was not the subject of any active planning enforcement case.

62. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the second deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of four months for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/478 Proposed Temporary Open Storage of Construction Materials and Equipment for a Period of 3 Years in “Agriculture” Zone, Lots 1100 S.A (Part), 1100 S.B (Part) and 1101 (Part) in D.D. 77, Ping Che (RNTPC Paper No. A/NE-TKL/478A)

Presentation and Question Sessions

63. Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials and equipment for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site; the closest one was located to the south of the site at a distance of about 10m. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as agricultural activities at the site were very active, and the site was currently used for tree nursery and surrounded by vegetable fields and fruit trees. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view. According to the submitted planning statement, the aerial photos taken in 2004 and 2013 and recent site visit, the site had been filled and the trees originally located within the site and the adjacent areas had been removed. Significant disturbances to the existing landscape character or resources had taken

place. As existing vegetation within the site would be removed due to the nature of the proposed use, further deterioration of the existing landscape was anticipated. Moreover, the proposed use which would be dominated by extensive paving was not compatible with the adjoining rural landscape character;

- (d) during the first three weeks of the statutory publication period, four public comments were received. One of them was received from a North District Council (NDC) member who indicated no comment on the application but advised that more consultation with the residents nearby should be done. The other three public comments were submitted by Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation and World Wide Fund For Nature Hong Kong which objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; the agricultural land should be retained in order to safeguard the food supply in the territory; approval of the application would result in further encroachment on good agricultural land in the vicinity, cause adverse ecological impacts, and set an undesirable precedent.
- (e) the District Officer (North), Home Affairs Department (DO/N, HAD) advised that the locals were consulted regarding the application. The Vice-Chairman of the Ta Kwu Ling District Rural Committee and the Resident Representative of Ha Shan Kai Wat supported the application, while the incumbent NDC member had no comment on the application; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper, which were summarised as follows:
 - (i) the proposed development was not in line with the planning intention of the “AGR” zone. DAFC did not support the application from the agricultural development point of view as the agricultural activities at the site were active. There was no strong

justification to merit a departure from the planning intention of “AGR” zone, even on a temporary basis;

- (ii) CTP/UD&L, PlanD considered that the proposed development which would be dominated by extensive paving was not compatible with the surrounding rural landscape character. Significant disturbances to the existing landscape character or resources had taken place and further deterioration of the existing landscape was anticipated. In this regard, he objected to the application from the landscape planning point of view. Moreover, the development under application was in close proximity to the surrounding domestic structures, the closest one was about 10m to the south. In this regard, DEP did not support the application. Other concerned government departments had no adverse comment on or no objection to the application;
- (iii) the application did not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the site fell within Category 3 areas where application would normally not be favourably considered unless the applications were on sites with previous planning approvals. The site was not subject to any previously approved planning application for similar open storage use and there were adverse departmental comments on the application. The applicant had also failed to demonstrate that the proposed development would not have adverse environmental and landscape impact on the surrounding area. Approval of the application would set an undesirable precedent for similar applications in the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area;
- (iv) the site and its adjacent area were the subject of a previous planning application (No. A/NE-TKL/310) for the same temporary open storage use which was rejected by the Committee on 20.6.2008

mainly for similar considerations. There were also four similar applications in the vicinity of the site which were rejected. For the three similar applications which were approved, they had previous planning approval and no adverse impact on the surroundings was envisaged. There has been no major change in the planning circumstances for the area since the approval/rejection of these applications; and

- (v) there were public comments raising objection to the application.

64. Members had no question on the application.

Deliberation Session

65. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which is primarily intended to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines No. 13E in that no previous planning approval has been granted to the site; there are adverse departmental comments on the application; and the applicant fails to demonstrate that the development would have no adverse environmental and landscape impacts on the surrounding area; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving

such similar applications would result in a general degradation of the environment of the area.”

[Dr W.K. Yau left the meeting at this point. Mr Ivan C.S. Fu left the meeting temporarily at this point.]

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/480 Temporary Open Storage of Construction Materials and Equipment and Tools for a Period of 3 Years in “Agriculture” Zone, Lot 1097 in D.D. 82, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/480)

Presentation and Question Sessions

66. Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction materials and equipment and tools for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper, which were summarised as follows:
 - (i) the Commissioner for Transport (C for T) did not support the application. The proposed access road leading from the public road to the site was not a proper access road which passed through another lot. The Transport Department could not provide comment on whether the proposed access road was appropriate for the use of

medium/heavy goods vehicles. The applicant was requested to demonstrate the proposed access road was capable to accommodate 2-way traffic and the applicant was allowed to pass through the lot as access. The applicant was required to submit a scaled layout plan with parking and loading/unloading arrangements as well as the vehicular manoeuvring space within the site, preferably by using swept-path analysis for his consideration. The applicant was also required to provide the information related to the type of transportation vehicles and the estimated number of daily, hourly vehicle trips to/from the site;

- (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as the site possessed potential for agricultural rehabilitation. There were trees at the southern part of the site;
- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view. When compared with the last site visit and the recent site visit, it appeared that three existing trees at the western boundary were removed. Disturbance to existing landscape resources had taken place. Moreover, there was no tree survey, tree preservation scheme and landscape proposal submitted to ascertain and mitigate the potential adverse landscape impact arising from the proposed use on the area;
- (d) during the first three weeks of the statutory publication period, three public comments were received. One of them was received from a North District Council (NDC) member who supported the application as it could provide convenience to the applicant. The other two public comments were submitted by Designing Hong Kong Limited and an individual which objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; the proposed development was not

compatible with the surrounding land uses which were predominantly agricultural and rural in character; there was already sufficient supply of space for open storage use to satisfy the current and future demand; and approval of the application would set an undesirable precedent for similar applications within the “AGR” zone;

- (e) the District Officer (North) (DO(N)) advised that the locals were consulted regarding the application. The Vice-Chairman of Ta Kwu Ling District Rural Committee and the Resident Representative of Lei Uk raised objection to the application on the grounds that the development might cause adverse traffic impact on Ping Che Road and the dogs kept by the open storage operators might threaten the nearby residents, while the incumbent NDC member and the Indigenous Inhabitant Representative of Lei Uk had no comment on the application; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper, which were summarised as follows:
 - (i) the proposed development was not in line with the planning intention of the “AGR” zone which was primarily intended to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC did not support the application from the agricultural development point of view as the site has potential for agricultural rehabilitation. There was no strong justification to merit a departure from the planning intention of “AGR” zone, even on a temporary basis;
 - (ii) three existing trees at the western boundary were removed and disturbance to the existing landscape resources had taken place. Besides, there were trees at the southern part of the site but no tree survey, tree preservation scheme and landscape proposal had been

submitted to demonstrate that there would be no adverse landscape impact arising from the development. In this regard, CTP/UD&L, PlanD had reservation on the application from the landscape planning point of view. C for T did not support the application as the applicant had failed to demonstrate that appropriate vehicular access, parking and loading/unloading arrangements as well as vehicular manoeuvring space would be provided within the site, and no adverse traffic impact from the type of vehicles and the trips to/from the site. The further information submitted by the applicant regarding the vehicular access and parking arrangement was not accepted by C for T. DO/N indicated that there were local objections to the application;

- (iii) the application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there were adverse departmental comments and local objections to the application, and the applicant had failed to demonstrate that the development under application would not have adverse traffic and landscape impacts on the surrounding area;
- (iv) out of the 30 similar applications in the vicinity of the site, 15 were approved mainly on consideration that they complied with TPB PG-No. 13E. For the remaining 15 similar applications, they were rejected mainly on non-compliance with TPB PG-No. 13E and other considerations similar to the current application. In this regard, approval of the current application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area; and
- (v) there were adverse public comments and local objections against the application.

[Mr Ivan C.S. Fu returned to join the meeting at this point.]

67. Members had no question on the application.

Deliberation Session

68. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Ta Kwu Ling area which is primarily intended to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines No. 13E in that there are adverse departmental comments and local objections to the application; and the applicant fails to demonstrate that the development would have no adverse traffic and landscape impacts on the surrounding area; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

[The Chairman thanked Mr Wallace W.K. Tang, STP/STN, for his attendance to answer Members’ enquires. Mr Tang left the meeting at this point.]

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/482 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lots 750 S.B
ss.6 s.A, 750 S.B ss.6 s.B and 750 S.B ss.6 s.C in D.D. 9, Yuen Leng
Village, Tai Po
(RNTPC Paper No. A/NE-KLH/482)

Presentation and Question Sessions

69. Mr Edwin P.Y. Young, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for rehabilitation of agricultural activities;
- (d) during the first three weeks of the statutory publication period, two public comments from Kadoorie Farm and Botanic Barden Corporation and Designing Hong Kong Limited were received. They objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone; no environmental, traffic, drainage and sewage assessments had been provided; affecting the availability of farmland and food supply; and setting of undesirable precedent. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. DAFC did not support the proposed Small House development as there were active agricultural activities in the vicinity and the site had high potential for rehabilitation of agricultural activities. Besides, there were public comments against the proposed development mainly on the grounds of being not in line with the planning intention of “AGR” zone, possible adverse traffic and environmental impacts and setting of undesirable precedent. Notwithstanding the above, the proposed development generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) in that more than 50% of the proposed Small House footprint fell within the “Village Type Development” (“V”) zone / village ‘environs’ (‘VE’); there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the village; and other concerned departments had no objection to the application. Approval of the application was not expected to frustrate the planning intention of the “AGR” zone in that the land area involved was not very large and the site was situated adjacent to the existing village cluster. There were two similar applications which were approved with conditions by the Committee mainly on consideration that the proposed development complied with the Interim Criteria and concerned government departments had no objection.

70. Noting that the total number of outstanding Small House applications for Yuen Leng, Kau Lung Hang Lo Wai and San Wai Villages was 127 while about 7.03 ha (or equivalent to about 281 Small House sites) of land were available within the concerned “V” zone, a Member asked whether it was appropriate to regard such situation as general shortage of land within the “V” zone for Small House development. In response, Mr C.K. Soh said that for Yuen Leng, Kau Lung Hang Lo Wai and San Wai Villages, the future Small House demand should comprise the outstanding Small House applications (i.e. 127) together with the 10-year Small House demand forecast (i.e. 290). The available land of about 7.03ha was not able to meet the future Small House demand of about 10.43ha (equivalent to about 417 Small House sites). Since about 52% of the proposed Small House footprint fell within both the subject “V” zone and ‘VE’ as well as there was a general shortage of land in meeting the

demand of Small House development in the subject “V” zone, sympathetic consideration could be given to the subject application according to the Interim Criteria. The current application was different from a section 17 review application No. A/NE-KLH/462 for a proposed Small House at Kau Lung Hang in which its footprint was within ‘VE’ but totally outside “V” zone. The Board had rejected on the application on review on 19.9.2014.

Deliberation Session

71. A Member said that the 10-year Small House demand forecast was sometimes not reliable, quoting the estimate for the So Lo Pun Village which had no population residing in that village currently. In response, the Chairman said that the So Lo Pun Village was quite different from the subject case. There was currently no population and infrastructure provision in So Lo Pun Village while the villages in the subject case were active and vibrant. Recently, while the Committee would take into account the 10-year Small House demand forecast for the subject case, it would not simply rely on comparing the sum of outstanding applications and 10-year Small House demand against the land available in the “V” zone to decide on the application. In the subject case, as over 50% of the proposed Small House footprint fell within both the “V” zone and ‘VE’, sympathetic consideration might be given.

72. While having no objection to approve the subject application, the Vice-chairman said that it was only a marginal case since there was still ample land in “V” zone and only about 50% of the Small House footprint fell within “V” zone and ‘VE’.

73. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 26.9.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;\
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;

- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

74. The Committee also agreed to advise the applicant of the following :

- “(a) to note the comments of the Director of Environmental Protection that construction of house shall not be commenced before the completion of the planned sewerage system; the applicant shall connect the proposed house to the future public sewer at his own cost; the sewerage connection point shall be within the site; and adequate land shall be reserved for the future sewer connection work;
- (b) to note the Chief Engineer/Development(2), Water Supplies Department’s (WSD) comments that :
 - (i) since the proposed New Territories Exempted House (NTEH)/Small House is less than 30m from the nearest water course, the house should be located as far away from the water course as possible; the whole of foul effluent from the proposed NTEH/Small House shall be conveyed through cast iron pipes or other approved material with sealed joints and hatchbox; the applicant shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed NTEH/Small House to the planned sewerage system via relevant private lots; and
 - (ii) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land

matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (c) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that if and after planning approval given by the TPB, his office will process the Small House application. If the application is approved by his department acting in the capacity as landlord at his discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access thereto;
- (d) the applicant is required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (e) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Consultant Management, Drainage Services Department that there is no public drain in the vicinity of the site. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There is no existing public sewerage in the vicinity of the site. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development. According to the latest proposed sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Yuen Leng, public sewerage connection point will be provided in the vicinity of the site. However, since this sewerage scheme was degazetted on 29.10.2010, there is no fixed programme at this juncture for the concerned public sewerage works;

- (f) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘NTEH – A Guide to Fire Safety Requirements’ published by LandsD. Detailed fire safety requirements will be formulated during land grant stage; and
- (g) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/516 Proposed House (New Territories Exempted House - Small House) in
“Village Type Development” and “Recreation” Zones, Lot 1303 S.A in
D.D. 17, Lo Tsz Tin, Tai Po
(RNTPC Paper No. A/NE-TK/516)

Presentation and Question Sessions

75. Mr Edwin P.Y. Young, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. Concerned departments had no

objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment from Designing Hong Kong Limited was received. The commenter objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Recreation” (“REC”) zone; no environmental, traffic, drainage; sewage assessments had been provided; and the proposed Small House without proper ancillary facilities might have adverse impacts on the surrounding area. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. As regards to the public comment objecting to the application, it should be noted that the area of “REC” zone involved was only about 17m². The proposed Small House was not incompatible with the surrounding rural setting where village houses were found to the north and east of the site. Concerned departments had no objection to or no adverse comment on the application in terms of environmental, traffic, drainage, sewerage and other technical aspects. The application was generally in line with the Interim Criteria in that more than 50% of the proposed Small House footprint fell within the “Village Type Development” (“V”) zone; and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the concerned village.

76. Members had no question on the application.

Deliberation Session

77. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 26.9.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the

permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

78. The Committee also agreed to advise the applicant of the following :

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site and overland flow from surrounding area of the site, e.g. surface channel of sufficient size along the perimeter of the site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the site if any boundary wall/fence to be erected; the applicant/owner was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner shall also be liable to and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems; for works to be undertaken outside the lot boundary, prior consent and agreement from the District Lands Officer/Tai Po and/or relevant private lot owners should be sought;
- (b) to note the comments of the Director of Environmental Protection that there is planned public sewer adjacent to the development; the applicant shall connect the sewer from the development to the public sewer at his own cost when it is available; adequate land should be reserved for the proposed Small House for future sewer connections;

- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the developments, the applicant/owner may need to extend the inside services to the nearest suitable government water mains for connection. The applicant/owner shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department. Detailed fire safety requirements will be formulated at the land grant stage;
- (e) to note the comments of the Commissioner for Transport that the land status, management and maintenance responsibilities of the village access should be clarified with relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the road adjacent to the site is not maintained by HyD; and
- (g) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works."

[Dr Eugene K.K. Chan left the meeting temporarily at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/517 Temporary Rental and Parking of Bicycles for a Period of 3 Years in
 “Road” Zone, Government land in D.D. 28, Tai Mei Tuk, Tai Po
 (RNTPC Paper No. A/NE-TK/517)

Presentation and Question Sessions

79. Mr Edwin P.Y. Young, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary rental and parking of bicycles for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments made in paragraph 10 of the Paper.

80. Members had no question on the application.

Deliberation Session

81. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years until 26.9.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) submission of fire service installations (FSIs) and water supplies for firefighting proposal within 6 months from the date of commencement of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.3.2015;
- (b) in relation to planning condition (a) above, the provision of FSIs and water supplies for firefighting within 9 months from the date of commencement of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.6.2015;
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (d) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

82. The Committee also agreed to advise the applicant of the following :

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to note the comments of the District Land Officer/Tai Po, Lands Department (DLO/TP, LandsD) that the tenant will be required to apply to DLO/TP, LandsD for a fresh Short Term Tenancy (STT) if the planning application were approved. Such STT application will be considered by LandsD acting in the capacity as landlord at its sole discretion. Nevertheless, there is no guarantee that such approval will eventually be given. If such STT application was approved, it would be subject to such terms and conditions, including among others the payment of premium or

rental and fee, as may be imposed by LandsD;

- (c) to note the comments of the Commissioner for Transport that the applicant shall vacate the site upon request by the Government;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should be requested to carry out routine maintenance to ensure that the drainage facilities within the site are in good working condition. There is existing public sewerage available for connection in the vicinity of the site; and
- (e) to note the comments of the Director of Fire Services that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, FSIs will need to be installed. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. In preparing the submission, the applicant should also note the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSI to be installed and the access for emergency vehicles should be clearly indicated on the layout plans.”

[Dr Eugene K.K. Chan returned to join the meeting at this point.]

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/518 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lots 1738 S.D ss.1, 1738 S.E ss.2, 1738 S.A ss.1
RP and 1738S.E ss.1 RP in D.D. 17, Lung Mei Village, Tai Po
(RNTPC Paper No. A/NE-TK/518)

Presentation and Question Sessions

83. Mr Edwin P.Y. Young, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site fell entirely outside the village ‘environs’ (‘VE’) of any recognized villages. The Commissioner for Transport (C for T) in general had reservation on the application. Such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Notwithstanding, the subject application only involved construction of a Small House, he considered that the application could be tolerated unless it was rejected on other grounds.
- (d) during the first three weeks of the statutory publication period, three public comments from Designing Hong Kong Limited, Lung King Villa Mutual Aid Committee and Lung Mei Tsuen Rural Committee against the application were received. The commenters objected to the application

mainly for the reasons that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone; no environmental, traffic, drainage and sewage assessments had been provided for the possible adverse impacts; the proposed Small House without proper ancillary facilities might have adverse impacts on the surrounding area; the site fell outside the ‘VE’ of Lung Mei Village; and the proposed development would block the access road leading to the village and have adverse safety and traffic impact. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper, which were summarised as follows:
 - (i) the proposed Small House was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes;
 - (ii) although there was a general shortage of land in meeting the future Small House demand, the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) as the site was entirely outside the “V” zone and ‘VE’ of any recognised villages. DLO/TP, LandsD did not support the application. As no similar planning application for Small House development outside the ‘VE’ had ever been approved in the vicinity, approval of the application would set an undesirable precedent for other similar applications in the area;
 - (iii) the site was the subject of a previous application (No. A/NE-TK/465) for the same use submitted by the same applicant which was rejected

by the Committee in 2013 on the same considerations in paragraph 83(e)(ii) above. There had been no major change in planning circumstances since the rejection of this previous application. There were no strong reasons to deviate from the Committee's previous decision;

- (iv) four similar applications for proposed NTEHs were approved with conditions by the Committee between 2004 and 2013 mainly on the grounds that they were in compliance with the Interim Criteria in that more than 50% of the footprint of the proposed NTEH fell within the "V" zone and there was a general shortage of land to meet the demand for Small House development in the "V" zone of the concerned village. As the site under the current application fell entirely outside the "V" zone and 'VE' of any recognized villages, the current application did not warrant the same considerations as these approved cases; and
- (v) public comments objecting to the application were received.

84. Members had no question on the application.

Deliberation Session

85. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories as the footprint of the proposed Small House is entirely outside the “Village Type Development” zone and the ‘environs’ of any recognised villages; and
- (b) the approval of the application would set an undesirable precedent for other

similar applications in the area.”

[The Chairman thanked Mr Edwin P.Y. Young, STP/STN, for his attendance to answer Members’ enquires. Mr Young left the meeting at this point.]

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST-KYS/9 Proposed Houses (Redevelopment) in “Conservation Area” Zone, Lot
Nos. 415SA, 415SB and 415 RP in DD192, Kwun Yam Shan Village,
Sha Tin
(RNTPC Paper No. A/ST-KYS/9)

Presentation and Question Sessions

86. Mr Anthony K.O. Luk, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed houses (redevelopment);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments had been received. One comment from an individual had not indicated the objection grounds while the other comments from Designing Hong Kong Limited and Kadoorie Farm and Botanic Garden objected to the application on the grounds that the proposed redevelopment was not in line with the planning intention of the “Conservation Area” (“CA”) zone;

no environmental, traffic, drainage and sewerage assessments had been provided to prove that the proposed redevelopment would not cause adverse impacts; the proposed redevelopment might have ecological impact on the locality; and approval of the application would set an undesirable precedent for similar applications. No local objection/view was received by the District Officer (Sha Tin); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments made in paragraph 11 of the Paper. As regards the public comments, an applicant could seek planning permission from the Board for redevelopment of houses according to the Notes of the “CA” zone and the proposal would be considered on individual merits upon application to the Board. As for the possible ecological, environmental, traffic, drainage and sewerage impacts on the surrounding areas, concerned departments consulted had no objection to/no adverse comments on the proposed redevelopment.

87. Members had no question on the application.

Deliberation Session

88. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 26.9.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of a septic tank and soakaway pit system for foul effluent disposal at a distance of not less than 30m from any water course. The whole system shall be properly maintained and desludged at a regular frequency and all sludge shall be carried away and disposed of outside the Water Gathering Ground (WGG), to the satisfaction of the Director of Water Supplies or of the TPB;

- (b) the applicant is required to demonstrate that all spoils arising from the site formation and building construction works shall be contained and protected to prevent all nearby water courses from being polluted or silting up, to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) the applicant is required to demonstrate that there will be no material increase in pollution effect to the WGG while carrying out the demolition/construction works and resulting from the redevelopment, to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (f) the provision of fire services installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

89. The Committee also agreed to advise the applicant of the following :

- “(a) to note the comments of the District Lands Officer/Shia Tin, Lands Department that redevelopment application would generally be considered if the rebuilding proposal is within the lot boundary and comply with the lease conditions. Approval of the subject lots for redevelopment would subject to no departmental objection and this is yet to be confirmed. Should the application be approved, it would be subject to such terms and conditions including charging of premium and administrative fee as the Government shall deem fit to do so;
- (b) to note the comments of the Director of Environmental Protection that the site falls within the WGG and there is no existing/planned public sewerage in the Kwun Yam Shan area. The applicants are required to make

provision of future connection to public sewer once available at their own cost;

- (c) to note the comments of the Director of Water Supplies that the whole foul/sewage system should be connected to the public sewers when they become available;
- (d) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that the applicants should be responsible for the maintenance of any completed drainage works and, if required in future by the District Lands Officer/Shu Tin, relocation of such works; allow all time free access for the Government and its agent to conduct audit on any completed drainage works; obtain the consent of the relevant owners and/or maintenance parties when constructing/connecting to the stormwater drainage system outside the lot, no matter the drainage system is on Government or private land; and allow connections by others to any external drainage works constructed when required by the Government;
- (e) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the site is located at the toe of a slope (Feature No. 7SE-C/CR388) according to the Slope Information System. The applicants should make necessary submission to the District Lands Officer/ Shu Tin to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers No. APP-56. If such exemption is not granted, the applicants should submit site formation plans to the Buildings Department (BD) in accordance with the provisions of the Buildings Ordinance (BO);
- (f) to note the comments of the Chief Building Surveyor/New Territories East 2 and Rail, BD that the subject lot is not abutting on any specified street of width not less than 4.5m, and there is no site classification for the subject lot under the Buildings (Planning) Regulation (B(P)R). If building

plans are submitted for approval under the BO, the height, maximum site coverage and maximum plot ratio permitted in respect of the building of the captioned redevelopment shall be determined by the Building Authority under B(P)R 19(3); and if the proposed buildings are not intended to be used for occupation by a single family, the provision of means of escape should comply with the requirements under Part B of Code of Practice for Fire Safety in Buildings 2011; and

- (g) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access shall comply with the Code of Practice for Fire Safety in Buildings which is administered by the BD.”

Agenda Item 26

Section 16 Application

[Open Meeting]

A/ST/854 Proposed Public Utility Installation (Package Substation) and
Excavation of Land for Cable Trench in “Village Type Development”
Zone, Government Land in DD 171, Kau To Village, Sha Tin
(RNTPC Paper No. A/ST/854)

90. The Secretary reported that the application was submitted by CLP Power Hong Kong Limited. Dr Eugene K.K. Chan and Ms Christina M. Lee had declared an interest in this item as Dr Chan and Ms Lee were the Convenor and the committee member of the Hong Kong Metropolitan Sports Events Association respectively which had solicited sponsorship from CLP Power Hong Kong Limited. As the applicant has requested for deferment of consideration of the application and Dr Chan and Ms Lee have no involvement in this application, the Committee agreed that they could stay in the meeting.

91. The Committee noted that the applicant’s representative requested on 5.9.2014 for deferment of the consideration of the application for two months to allow time for sorting out the issues with relevant parties in connection with the site location. This was the applicant’s first request for deferment.

92. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 27

Section 16 Application

[Open Meeting]

A/ST/855 Shop and Services (Pharmacy and Retail Shop) and Wholesale Trade
(Pharmacy) in "Industrial" Zone, Unit C2 in Factory C on G/F of Block
1, Kin Ho Industrial Building, Nos. 14-24 Au Pui Wan Street, Fo Tan,
Sha Tin

(RNTPC Paper No. A/ST/855)

93. The Secretary reported that Professor K.C. Chau had declared an interest in this item as he owned a residential property in Fo Tan where the application premises was located. The Committee noted that Professor K.C. Chau had tendered apologies for being unable to attend the meeting.

94. The Committee noted that the applicant's representative requested on 10.9.2014 for deferment of the consideration of the application for two months to allow time to arrange fire service installations for the subject premises with the Fire Services Department. This was the applicant's first request for deferment.

95. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the

applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/856 Temporary Shop and Services (Fast Food Shop) for a Period of 5 Years
in "Industrial" Zone, Shop B3 (Portion), LG/F, Valiant Industrial
Centre, 2-12 Au Pui Wan Street, Fo Tan
(RNTPC Paper No. A/ST/856)

96. The Secretary reported that Professor K.C. Chau had declared an interest in this item as he owned a residential property in Fo Tan where the application premises was located. The Committee noted that Professor K.C. Chau had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

97. Mr Anthony K.O. Luk, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (fast food shop) for a period of five years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments made in paragraph 11 of the Paper. A temporary approval of three years, instead of five years as applied, was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

98. Members had no question on the application.

Deliberation Session

99. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.9.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the provision of fire service installations within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 26.6.2015; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

100. The Committee also agreed to advise the applicant of the following :

- “(a) prior planning permission should have been obtained before commencing

the applied use at the application premises. The permission is for ‘Shop and Services (Fast Food Shop)’ use without any seating accommodation;

- (b) a temporary approval of three years, instead of five years as applied, is given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises will not be jeopardized;
- (c) apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that:
 - (i) the proposed use shall comply with the requirements under the Buildings Ordinance. For instance, the shop shall be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining workshop shall not be adversely affected. Building safety requirements will be formulated upon receipt of food premises licence application, where appropriate; and
 - (ii) the applicant should engage an authorized person to coordinate the building works, if any;
- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of building plans or referral from licensing authority and the “fast food shop” to be licensed as “food factory” or “factory canteen” only; and
- (f) refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order

to comply with the approval condition on the provision of fire service installations.”

[The Chairman thanked Mr C.K. Soh, DPO/STN and Mr Anthony K.O. Luk, STP/STN for their attendance to answer Members’ enquires. Messrs Soh and Luk left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

[Mr C.K. Tsang and Mr Ernest C.M. Fung, Senior Town Planners/Shu Tin, Tai Po and North (STPs/FSYLE), were invited to the meeting at this point.]

[Mr Edwin W.K. Chan left the meeting temporarily at this point.]

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FLN/3 Temporary Public Vehicle Park (Including Container Vehicle) and Goods Distribution and Storage Use for a Period of 3 Years in “Government, Institution or Community” and “Other Specified Uses” annotated “Port Back-up Uses” and “Road” Zones, Lots 164 (Part), 167RP, 167S.B and 176RP in D.D.52, Sheung Shui Wa Shan, Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/FLN/3)

Presentation and Question Sessions

101. Mr Ernest C.M. Fung, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary public vehicle park (including container vehicle) and goods distribution and storage use for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, two public comments were received from North District Council (NDC) members stating that they had no comment on the application. The District Officer (North) advised that the locals had been consulted regarding the captioned application. The incumbent NDC member cum Indigenous Inhabitant Representative (IIR) of Sheung Shui Heung, the Chairman of Sheung Shui District Rural Committee, the other two IIRs of Sheung Shui Heung, the Resident Representative (RR) of Sheung Shui Heung, the IIR of Wa Shan Tsuen and the RR of Wa Shan Tsuen had no comment on it; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, no environment compliant had been received in the last 3 years and no public objection had been received during the publication period. The periphery fencing had been provided at the site to minimize the potential environmental impacts. To alleviate the potential impacts on surrounding domestic structures, it was recommended to impose relevant approval conditions requiring the maintenance of the peripheral fencing and restricting the operation hours of the proposed development. Moreover, the applicant would also be advised to undertake environmental mitigation measures as set out in the revised 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites'.

102. Members had no question on the application.

Deliberation Session

103. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.9.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the peripheral fencing of the site should be maintained at all times during the planning approval period;
- (d) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.3.2015;
- (e) in relation to (d) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.6.2015;
- (f) the submission of proposals for fire service installations (FSIs) and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.3.2015;
- (g) in relation to (f) above, the provision of FSIs and water supplies for fire-fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.6.2015;
- (h) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the

Director of Planning or of the TPB by 26.3.2015;

- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.6.2015;
- (j) if any of the above planning conditions (a), (b) or (c) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

104. The Committee also agreed to advise the applicant of the following :

- “(a) to resolve any land issue relating to the development with the concerned owners of the site;
- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) to note the comments of the District Lands Officer/North, Lands Department that the owners of the lots should apply to his office for a Short Term Waivers (STWs) for the existing / proposed structures. There is no guarantee that STWs will be approved. If the STWs are approved, they will be subject to such terms and conditions to be imposed including the payment of STW fee;
- (d) to note the comments of the Commissioner for Transport that the unnamed village track is not under Transport Department’s management and the land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same

access should also be clarified with the relevant lands and maintenance authorities.

- (e) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites' issued by the Environmental Protection Department in order to minimize the potential environmental impacts on the adjacent area;
- (f) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that:
 - (i) existing water main(s) is found inside the site and affected, which may need to be diverted or protected. The applicant should bear the cost of any necessary diversion/protection works for the water main(s) affected by the proposed development and to submit all relevant proposal to his department for consideration and agreement before the works commence;
 - (ii) if the diversion is not required, the following conditions should be followed by the applicant:
 - no structures should be built or materials stored within 1.5m from the centre line(s) of water main(s). Free access shall be made available at all times for staff of his department or his contractor to carry out construction, inspection, operation, maintenance and repair works;
 - no trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water min(s). No change of existing site condition may be undertaken within the area without his prior agreement. Rigid root barriers may be required if the clear distance between the proposed tree and

the pipe is 2.5m or less, and barrier must extend below the invert level of the pipe; and

- no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet;

(g) to note the comments of the Director of Fire Services on the following:

(i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, FSIs will need to be installed;

(ii) if no building plan will be circulated to his Department via the Centralized Processing System of Buildings Department (BD), the applicant is required to submit relevant layout plans incorporated with the proposed FSIs for his approval. In preparing the submission, the applicant is advised on the following points:

- the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
- the location of where the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans; and

(iii) detailed fire safety requirements will be formulated upon receipt of formal submission of the layout plan. The applicant will need to subsequently provide the proposed FSIs according to the approved proposal;

(h) to note the comments of the Chief Building Surveyor/New Territories West, BD on the following:

- (i) if the existing structures are erected on leased land without approval of his department, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application;
- (ii) before any new building works (including containers / open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of his department should be obtained, otherwise these building works are regarded as Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (iii) for UBW erected on leased land, enforcement action may be taken by his department to effect removal of the UBW in accordance with his department's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
- (iv) if the proposed use is subject to the issue of a licence, the applicant should remind that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (v) in connection with (ii), the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and
- (vi) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (i) to note the comments of the Chief Town Planner/Urban Design & Landscape on the following:
- (i) the applicant is required to replace the missing trees and any dead tree(s) and rectify the leaning tree; and
 - (ii) a 1m wide tree planting area free of dumping / stored object should be provided in order to avoid potential damage to the trees;
- (j) to note the comments of the Director of Electrical and Mechanical Services on the following:
- (i) the following measures pertaining to electricity supply safety should be strictly followed by the applicant:
 - a minimum vertical clearance of 6.7m between the top of any structure and the lowest point of the overhead lines (OHL) conductors must be maintained; and a minimum safety clearance of 3.7m from the OHL conductors in all directions shall be maintained;
 - the applicant should agree with CLP Power Hong Kong Limited (CLPP) on the safety precautions required for carrying out any works in the vicinity of the 132kV overhead lines;
 - in any time during and after construction, CLPP shall be allowed to get access to the 21.4m working corridor area of the concerned 132kV overhead lines for carrying out any operation, maintenance and repair work as necessary; and
 - the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and

his contractors when carrying out works in the vicinity of the electricity supply lines; and

- (ii) as regards the electric and magnetic fields arising from the 132kV overhead lines, the applicant is warned of possible undue interference to some electronic equipment in the vicinity.”

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/373 Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years in “Recreation” Zone, Lot 1614 RP (Part) in D.D. 100, Fan Kam Road, Ying Pun, Sheung Shui
(RNTPC Paper No. A/NE-KTS/373)

Presentation and Question Sessions

105. Mr C.K. Tsang, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper which were summarised as follows:
 - (i) the Commissioner for Transport (C for T) could not offer his support to the application at this stage. There was no information in the application on the width of the proposed vehicular access, estimated vehicular trip to/from the site, class of vehicles, parking / loading /

unloading arrangement within the site, etc. The applicant should demonstrate on a scaled plan, preferably by swept path, whether vehicles could manoeuvre within the site without reversing on the local track. The applicant should be requested to provide such transport-related information for his consideration; and

- (ii) the Director of Environmental Protection (DEP) did not support the application in accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, as there were sensitive receivers of domestic uses in the vicinity of the site, with the nearest one located a distance of about 30m to the north of the site and environmental nuisance was expected. There was one substantiated waste pollution complaint on landfilling at Lot 1614 RP in D.D. 100 (i.e. the current site) received on 17.9.2012. His department conducted inspection on 18.9.2012 and sign of landfilling was observed but no on-going landfilling activity was spotted during the inspection. The District Lands Officer/North later referred similar complaint to his department and other departments for follow-up action. Upon his follow-up investigation, the permission of the corresponding lot owner for such landfilling had been obtained. As such, there was no violation of environmental ordinance;

- (d) during the first three weeks of the statutory publication period, three public comments were received from a North District Council (NDC) member, Designing Hong Kong Limited and a member of the general public. While indicating ‘no specific comment’ on the application, the NDC member indicated that comments of nearby villagers should be sought. The remaining two commenters objected to the application on the following grounds:
 - (i) the proposed development was not in line with the planning intention of the “Recreation” (“REC”) zone;

- (ii) the proposed development would cause adverse traffic impact on Fan Kam Road, which would be overloaded as there would be lots of travelling of construction vehicles and heavy vehicles. Besides, Fan Kam Road was not suitable for usage of heavy vehicles;
 - (iii) no new open storage use should be permitted as the New Territories was blighted with open storage yards; and
 - (iv) once temporary open storage use was permitted, it would normally be renewed and making it more difficult to revert the land for more suitable uses;
- (e) the District Officer (North), Home Affairs Department (DO(N), HAD) advised that the locals had been consulted regarding the application. The incumbent NDC member and the Resident Representative (RR) of Ying Pun had no comment on the application. The Chairman of Sheung Shui District Rural Committee (SSDRC) objected to the application on the grounds that the proposed development would lead to an increase in traffic flow and cause environmental pollution; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper, which were summarised as follows:
- (i) the proposed temporary open storage of construction materials was not in line with the planning intention of the “REC” zone, which was primarily for recreational developments for the use of the general public. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
 - (ii) the site fell within Category 3 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (the Ordinance)

(TPB PG-No. 13E). The proposed development was not line with TPB PG-No. 13E in that no previous planning approval of open storage use or similar development had been granted for the site, and there were adverse departmental comments and local objection. DEP did not support the application as there were sensitive receivers of domestic uses in the vicinity of the site, and there was one substantiated waste pollution complaint on landfilling at the site in 2012 received by DEP. C for T had raised concern that there was no information in the application on the width of the proposed vehicular access, estimated vehicular trip to/from the site, class of vehicles, parking, loading/unloading and manoeuvring arrangement within the site, etc. In this regard, the applicant had failed to demonstrate that the proposed development would not generate adverse environmental and traffic impact on the surrounding areas. On the other hand, DO(N), HAD had advised that the Chairman of the SSDRC objected to the application on the grounds that the proposed development would lead to an increase in traffic flow and cause environmental pollution. Public comments objecting to the application on traffic and environmental grounds were also received during the first three weeks of the statutory public inspection period;

- (iii) the site was located in an area which was predominantly rural in nature with some domestic and vacant structures to the north. Although there were some storage/open storage yards and workshops in the vicinity, most of them were unauthorized developments subject to enforcement actions. No open storage use in the vicinity was operated with a valid planning permission; and
- (iv) there were similar approved applications for open storage use involving two sites to the east and immediate south of the site. Regarding the site to the east, the first planning application for open storage use was approved in November 1994 prior to the promulgation of the TPB PG-No. 13. Regarding the site to the immediate south, the first planning application for open storage use

was approved on sympathetic considerations that the environmental impacts of the proposed open storage of metal ware, workshop and detergent packaging would likely be less than the marble factory use previously existed on the site which was an “existing use” tolerated under the Ordinance. The planning circumstances of the current application were not comparable with these two aforesaid similar applications as TPB-PG No. 13E had been promulgated since 17.10.2008 and there was no exceptional circumstance to warrant sympathetic consideration to the current application. Hence, the current application did not warrant the same consideration.

106. Members had no question on the application.

Deliberation Session

107. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Recreation” zone in the Kwu Tung South area which is primarily for recreational developments for the use of the general public and to encourage the development of active and/or passive recreation and tourism. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the proposed development is not line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) since no previous planning approval of open storage use or similar development has been granted for the site, there are adverse departmental comments and local objection to the application.”

[Mr Edwin W.K. Chan returned to join the meeting at this point.]

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/448 Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years in “Agriculture” Zone, Lots 107 (Part), 125 RP (Part) & 157 S.A RP (Part) in D.D. 110, Tsat Sing Kong, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/448)

Presentation and Question Sessions

108. Mr C.K. Tsang, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary shop and services (plant showroom) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application. According to the “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” (COP), the boundary of the site was within 100m from the nearest residential building or part/whole of the heavy vehicle traffic generated by the proposed developments was expected to travel along the access road within 50m from the nearest residential building and environmental nuisance (e.g. dust, noise, etc.) was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

proposed temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. Although DEP did not support the application, no environmental complaint had been received in the past 3 years and no local objection had been received during the statutory publication period. Besides, the proposed development was for displaying sample plants to the customers and no retail activity would be carried out on-site. According to the applicant, the vehicular trip generated by the heavy vehicles for transportation of plants was limited (i.e. once a week). To address DEP's concern on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and types of vehicles were recommended in paragraph 12.2 (a) to (c) of the Paper. Besides, the applicant would be advised to adopt the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in order to alleviate any potential environmental impact.

109. Members had no question on the application.

Deliberation Session

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.9.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the operation of the proposed development is restricted from 1:00 p.m. to 5:00 p.m. on Saturdays and from 9:00 a.m. to 5:00 p.m. on Sundays only, as proposed by the applicant, during the planning approval period;
- (b) no operation on weekdays, as proposed by the applicant, during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning

approval period;

- (d) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.3.2015;
- (e) the submission of a landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.3.2015;
- (f) in relation to (e) above, the implementation of the landscaping proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.6.2015;
- (g) the submission of a comprehensive drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.3.2015;
- (h) in relation to (g) above, the implementation of the comprehensive drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.6.2015;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.3.2015;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.6.2015;
- (k) if any of the above planning conditions (a), (b) or (c) is not complied with during planning approval, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

- (l) if any of the above planning conditions (d), (e), (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

111. The Committee also agreed to advise the applicant of the following :

- “(a) the permission is given to the use under application. It does not condone any other use(s) including any warehouse / open storage which currently exist on the site but not covered by the application. The applicant shall take immediate action to discontinue such use not covered by the permission;
- (b) the site should be kept in a clean and tidy condition at all time;
- (c) to resolve any land issues relating to the proposed development with the concerned owners of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lots within the site are Old Schedule Agricultural Lots held under the Block Government Lease which no structure is allowed to be erected without prior approval from LandsD. No approval is given for the specified structure as plant showroom. The site is accessible from Kam Tai Road via government land and private land. His office provides no maintenance works for this local track nor guarantees right of way. The lot owner concerned will still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If the application is approved, it will be subject to such terms and conditions, including

among others the payment of premium or fee, as may be imposed by LandsD;

- (e) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (f) to adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department for implementation of mitigation measures to minimize any potential environmental nuisances arising from the development;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) for the submitted landscape proposal that 16 nos. of *Ficus microcarpa* were proposed at the perimeter of the site. However, 4 of the trees which are proposed to be planted at the southern perimeter are not acceptable. For healthy tree growth, adequate setback with a minimum of 1m should be provided for tree planting. Nonetheless, the root system of *Ficus mirocarpa* may damage the footing of temporary structure. The applicant is suggested to revise the landscape proposal accordingly;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the submitted drainage proposals appear to be preliminary and only include a conceptual layout of the proposed drainage works. Many essential details, such as dimensions of the proposed u-channel, inverted levels of the manholes/catchpits, connection details of the proposed channels and the existing drainage facilities, relevant cross

sections with the adjacent lands, etc., are missing. Furthermore, it is noted that the site is adjacent to the development sites under the planning application Nos. A/YL-KTN/446 & A/YL-KTN/447 and that all these applications are submitted by the same applicant, Wah Tung Development Company Limited. Also, the runoff of the site would be discharged to the site under application No. A/YL-KTN/446. In view of the relatively large areas involved in this clustering development and the drainage interface among the proposed development sites, the applicant is requested to submit a comprehensive drainage proposal, with adequate calculations, to assess the overall drainage impacts on the surrounding areas due to the all these proposed developments sites in the area;

- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed, the applicant is required to provide justifications to Fire Services Department for consideration;

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any use under the subject application. Before any new building works (including containers / open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they are

Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and/or overhead line alignment drawings obtained, if there is underground electricity cable (and/or overhead line) within or in the vicinity of the site, for sites within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines."

Agenda Item 32

Section 16 Application

[Open Meeting]

A/YL-KTN/449 Temporary Animal Boarding Establishment and Breeding Area for a Period of 3 Years in “Agriculture” Zone, Lots 1427 (Part) in D.D. 107, Shui Mei Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/449)

112. The Committee noted that the applicant’s representative requested on 12.9.2014 for deferment of the consideration of the application for two months so as to allow time for preparation of further information. This was the applicant’s first request for deferment.

113. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/630 Temporary Open Storage of Forklifts for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” Zone, Lots 567 and 609 RP in D.D. 106, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/630B)

114. The Secretary reported that Mr W.C. Luk had declared an interest in this item as he owned a house at Kam Sheung Road where the site was located. As Mr Luk’s house did

not have a direct view of the site, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

115. Mr C.K. Tsang, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of forklifts for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures located to the immediate south and northeast (the nearest one about 2m away) and in the vicinity of the site, and environmental nuisance was expected. There was one environmental complaint related to dumping of rubbles received in the past three years;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a member of the public who raised concerns on the other uses conducted within the site including maintenance works and paint-spraying of forklifts; and whether the existing fire service installations (FSIs) and drainage system were in compliance with the relevant requirements. He also doubted that the structures erected on-site were different from the applied use. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of two years based on the assessments made in paragraph 12 of the Paper, which were summarised as follows:
 - (i) although DEP did not support the application, the traffic generated

from the site would not pass through major village settlement and no workshop-related activity would be carried out at the site. The environmental complaint related to dumping of rubbles was received by DEP in 2011. Since then, no further complaint was received and the applicant would also carry out appropriate measures to avoid impacts on surroundings. To minimize the potential environmental impact, approval conditions (a) to (c) restricting the operation hours and workshop-related activities were recommended. In addition, the applicant would also be advised to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”;

- (ii) a shorter approval period of 2 years was granted for the last application with a view to gradually phase out the non-conforming industrial-related uses noting that a proposed development of ten houses located to the further north of the site was approved with conditions by the Committee on 17.6.2011. The land exchange for the proposed ten houses was granted on 28.5.2014. It was recommended that a shorter approval period of 2 years until 26.9.2016, instead of 3 years sought, could be allowed for the current application to monitor the situation. Renewal of this permission would need to take into consideration the prevalent planning circumstances, and favourable consideration might not be given should the continuation of open storage use at the site be found to contradict with the surrounding uses; and
- (iii) regarding the public comment raising concerns on the application, the applicant advised that the site would be fenced off by a boundary wall of 3m high and there would be no other uses except the applied use carried out within the site. The existing structures covered by canvas within the site were also temporary only and mainly for protecting the forklifts under bad weather conditions. Furthermore, appropriate approval conditions (a) to (c) were recommended to minimize the environmental impact. Other relevant departments

had no adverse comment on the application. In addition, should the site be utilized for a use which was different from the use permitted under the current application, planning enforcement action would be taken as appropriate.

116. Members had no question on the application.

Deliberation Session

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years, instead of 3 years sought, until 26.9.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (b) no operation on Sundays and statutory holidays, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (d) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (e) the existing boundary fencing shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;

- (g) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.12.2014;
- (h) the implementation of the accepted tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.12.2014;
- (i) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2014;
- (j) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.12.2014;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.3.2015;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

118. The Committee also agreed to advise the applicant of the following :

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter approval period is granted to monitor the situation in the area with a view to gradually phasing out the non-conforming industrial-related uses within the “Other Specified Uses” annotated “Rural Use” zone. Renewal of this permission will need to take into consideration the prevalent planning circumstances, and favourable consideration may not be given should the continuation of open storage use at the site be found to contradict with the surrounding uses;
- (c) shorter compliance periods are granted so as to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (d) the site should be kept in a clean and tidy condition at all times;
- (e) to resolve any land issues relating to the development with the concerned owners of the site;
- (f) to note the comments of the District Lands Officer/Yuen Long that the private lots within the site are Old Schedule Agricultural Lots held under the Block Government Lease under which no structure is allowed to be erected without the prior approval from the Lands Department (LandsD). Lot No. 609RP in D.D. 106 is covered by Short Term Waiver No. 3682 to allow the use of land for the purpose of open storage of forklifts and ancillary use with permitted built-over area not exceeding 400m² and height not exceeding 6m. Modification of Tenancy (MOT) Nos. M20102 and M20162 for Lots Nos. 567 and 609 RP respectively were granted to the owners permitting erection of agricultural structures. Change of the use of the lots will cause a breach of the terms of the concerned MOT. LandsD will consider cancelling the MOT accordingly. The site is accessible to

Kam Sheung Road via government land. LandsD does not provide maintenance works on this access nor guarantees any right-of-way;

- (g) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any possible environmental nuisances;
- (h) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant landlords and maintenance authorities accordingly. Vehicles related to the proposed operation should not queue outside the lot boundary. Drivers of goods vehicles should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should adopt good site practice to prevent damaging the mature trees adjacent to the site during operation;
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. In formulating FSIs proposal for the proposed open storage site, the applicant is advised to make reference to the requirements in Good Practice Guidelines for Open Storage Sites in Appendix V of this RNTPC paper. Should the applicant wish to apply for exemption from the

provision of certain FSIs, the applicant is required to provide justifications to his department for consideration. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS251) for approval;

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized building works/structures should be removed. All building works are subject to compliance with the Buildings Ordinance (BO). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action may be taken to effect the removal of all unauthorized works in the future; and

- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier is necessary or application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/699 Temporary Open Storage of Construction Materials, Machinery and Second-Hand Vehicles for a Period of 3 Years in “Residential (Group D)” and “Agriculture” Zones, Lots 2879 (Part), 2881 (Part), 2888 (Part), 2889 (Part), 2890 (Part) and 2900 (Part) in D.D. 111, Wang Toi Shan Wing Ning Lei, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/699)

Presentation and Question Sessions

119. Mr C.K. Tsang, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction materials, machinery and second-hand vehicles for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view since the site was of high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application as there was sensitive receiver, i.e. residential structure, located to the northwest of the site (about 60m away) and along the access road to the site, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, four public comments were received from a village representative of Wang Toi Shan Wing Ning Lei Tsuen, two members of the public and Designing Hong Kong Limited. The commenters objected or strongly objected to the

application as the development was incompatible with the zoning and agricultural land should be reserved for agricultural use or the land would be contaminated and unlikely to be restored for agricultural use. Despite being a temporary use, it would normally be renewed and be difficult to change to more suitable uses in the future. There was also sufficient supply for open storage yards and similar land uses had already existed in the area. The development was in proximity to residential dwellings. Since the proposed development would involve the use of heavy vehicles, it would cause adverse environmental pollution and traffic congestion. The open storage use at a higher formation level in the area would also lead to flooding. No impact assessment had been completed for traffic, environment, noise and drainage. The development also attracted illegal workers from South Asia and Africa. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. Although DAFC did not support the application, only about 38% of the site fell within “Agriculture” (“AGR”) zone and similar open storage use had been operated at the site since 2001. Granting of temporary planning permission would not frustrate the long-term planning intention of the “AGR” zone. Although DEP did not support the application, there had not been any environmental complaint in the past 3 years. To address DEP's concern, approval conditions (a) to (d) restricting the operation hours and types of vehicles, as well as prohibiting workshop-related activities were recommended. The applicant would also be advised to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”. Regarding the four public comments received objecting to the application, approval of the application on a temporary basis would not frustrate the planning intentions of “Residential (Group D)” and “AGR” zones and other relevant departments had no adverse comment on the application. Appropriate approval conditions were recommended to

minimise the potential impacts.

120. Members had no question on the application.

Deliberation Session

121. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.9.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 1:00 p.m. to 5:00 p.m. on Saturdays and between 5:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the site at any time during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) the submission of a drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.12.2014;
- (f) in relation to (e) above, the implementation of the drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.3.2015;

- (g) the submission of a tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.12.2014;
- (h) in relation to (g) above, the implementation of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.3.2015;
- (i) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2014;
- (j) the implementation of the accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.12.2014;
- (k) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

122. The Committee also agreed to advise the applicant of the following :

- “(a) prior planning permission should have been obtained before commencing the applied use at the application site;

- (b) shorter compliance period is imposed so as to monitor the fulfilment of the approval conditions on site. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (c) the site should be kept in a clean and tidy condition at all time;
- (d) to resolve any land issue relating to the development with the concerned owners of the site;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private lots within the site are Old Schedule Agricultural Lot held under Block Government Lease under which no structure is allowed to be erected without prior approval from LandsD. No approval is given for the specified structures for converted container as office use. The site is accessible from Kam Tin Road via Government land and private land. LandsD does not provide maintenance works on this access nor guarantees any right-of-way. The lot owners concerned will need to apply to LandsD to permit structures to be erected or regularize any irregularities on the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (f) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of local access road which is not managed by the Transport Department. The land status of the local access road should be checked with the Lands Authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers should drive slowly with great care,

particularly when there is an opposing stream of traffic on the local road;

- (g) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to alleviate any potential environmental nuisance;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that updated photo record on the conditions of the existing trees and shrubs within the site boundary should be provided;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction operation and maintenance of the inside services within the private lots to WSD’s standards;
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that regarding the drainage plan submitted, the gradients of the proposed u-channels should be shown on the drainage plan. The flow direction of the runoff in the u-channels should be indicated. The invert levels of the proposed catchpits should be shown on the drainage plan for reference. The existing drainage facility to which the applicant proposes to discharge the stormwater from the site should also be indicated on plan. The relevant connection details should be provided and cross sections showing the existing and proposed ground levels of the site with respect to the adjacent areas should be given. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit. In addition, the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches

and the adjacent areas, etc.. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;

- (k) to note the comments of the Director of Fire Services that the fire service installations proposal submitted is considered acceptable subject to no open storage of combustibles. The installation/maintenance/modification/repair work of fire service installations shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). RFSIC shall after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS251) and forward a copy of the certificate to the Director of Fire Services. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. To address the concern on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval;

- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any use under the subject application. Before any new building works (including containers / open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action may

be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (m) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier is necessary or application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines."

[Mr Peter K.T. Yuen left the meeting at this point.]

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/700 Temporary Open Storage of Private Cars and Light Goods Vehicles for
a Period of 3 Years in “Agriculture” zone, Lot 370 RP (Part) in
D.D. 110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/700)

Presentation and Question Sessions

123. Mr C.K. Tsang, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of private cars and light goods vehicles for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application in accordance with the revised Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites. There were sensitive receivers, i.e. residential structures located to the southeast (about 10m away) and in the vicinity of the area, and environmental nuisance was expected. One substantiated environmental complaint on waste aspect was received for the site in the past three years. EPD’s site inspection revealed that soil and rubbles had been deposited on the private land concerned (Lot 370 in D.D. 110) and the adjoining Government land. No land filling activity was spotted at the time of inspection. Concerned departments were informed of the findings and requested to take enforcement action within their purview. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view. The agricultural

activity in the vicinity of the site was active and the site had high potential for agricultural rehabilitation;

- (d) during the first three weeks of the statutory publication period, two public comments were received from the World Wide Fund For Nature Hong Kong and Designing Hong Kong Limited. The commenters objected to the application on grounds that the applied use was not in line with the planning intention of “Agriculture” (“AGR”) zone and the site was still having potential to be restored for agricultural purpose as the surrounding area was currently being used for active farming. Approval of the application would encourage more change of land use on existing farmland in the area contradicting the planning intention. There was sufficient supply of open storage space and the proposed use was unsightly and led to degradation of the land and environment. The renewal of the application in the future would make it more difficult to develop the land for more suitable uses. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper, which were summarised as follows:
 - (i) the development for temporary open storage for private cars and light goods vehicles was not in line with the planning intention of the “AGR” zone which was to retain and safeguard good quality agricultural land for agricultural purpose. This zone was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC did not support the application from agricultural point of view as agricultural activities in the vicinity of the site were still active and the site had high potential for agricultural rehabilitation. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis. Moreover, no information was provided by the

applicant to demonstrate why suitable site within the “Open Storage” zones in Pat Heung to the further south about 100m away covering a total area of more than 80 ha could not be made available for the proposed development;

- (ii) the development was not compatible with the surrounding land uses which were rural in character mixed with residential dwellings/structures, agricultural land, a few parking lots and open storage/storage yards. Most of the open storage/storage yards and the parking lots were suspected unauthorized developments subject to enforcement action. A similar application for temporary open storage of building materials with ancillary office for a period of three years located to the immediate south of the site was also rejected by the Committee recently on 22.8.2014;

- (iii) according to the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13E), the site fell within Category 3 areas. The application did not comply with TPB PG-No.13E in that there was no previous approval for open storage use granted at the site and that existing and approved open storage use should be contained within the Category 3 areas and further proliferation of such use was not acceptable. Moreover, there were adverse departmental comments and public objections against the application. In this regard, DEP did not support the application as there were residential dwellings/structures located to the east (about 10m away) and in the vicinity of the site, and environmental nuisance was expected. A substantiated environmental complaint on waste aspect was also received by DEP in the past three years. Besides, the drainage proposal submitted by the applicant was not accepted by the Chief Engineer/Mainland North, Drainage Services Department. The applicant failed to demonstrate that the proposed development would not generate adverse environmental and drainage impacts. Hence, the current application did not warrant sympathetic consideration;

- (iv) there were 13 similar applications for various temporary open storage uses within the same “AGR” zone approved with conditions by the Committee. Nine applications were approved between 2010 and 2014 as the concerned sites fell within Category 2 areas under TPB PG-No. 13E where temporary planning permission could be granted subject to no adverse departmental comments and local objection or the concerns of the departments and local residents could be addressed through implementation of approval conditions. For applications which fell within Category 3 areas, they were approved by the Committee on the exceptional circumstances that their original sites were resumed for the Guangzhou-Shenzhen-Hong Kong Express Rail Link project and the applied developments were not incompatible with the nearby open storage uses. The other applications were rejected by the Committee in 2012 mainly on the consideration, amongst others, that the proposed open storage use were not in line with the TPB PG-No. 13E in that the sites fell within Category 3 areas and there were no previous approval granted at the sites. As for the current application, the site also fell within Category 3 areas without previous approval and was located in an area predominantly rural in character with pieces of cultivated/fallow agricultural land and residential dwellings/structures located to the east and southeast of the site. The approval of the subject application would set an undesirable precedent for similar applications within this part of the “AGR” zone which remained relatively rural in character. The cumulative effect of approving such applications would result in general degradation of the rural environment of the area; and
- (v) two public objections against the application were received during the statutory publication period.

124. Members had no question on the application.

Deliberation Session

125. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board PG-No. 13E in that the development is not compatible with the surrounding land uses which are rural in character with residential dwellings/structures and agricultural land. There is also no previous approval granted at the site and there are adverse departmental comment and public objections against the application;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the “AGR” zone. The cumulative effect of approving such application would result in a general degradation of the rural environment of the area.”

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/701 Temporary Open Storage of Backdrop Screens, Advertising Aluminium Frames and Construction Materials for a Period of 3 Years in “Agriculture” Zone, Lots 1831 RP, 1832 RP (Part), 1867 (Part), 1868 (Part), 1869 (Part), 1870 (Part), 1871 (Part), 1872 (Part), 1873 (Part), 1874 RP and 1875 RP (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/701)

Presentation and Question Sessions

126. Mr C.K. Tsang, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of backdrop screens, advertising aluminium frames and construction materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential dwellings located to the north (about 40m away) and along the access to the site, and environmental nuisances were expected;
- (d) during the first three weeks of the statutory publication period, four public comments were received from a villager, two members of the public and Designing Hong Kong Limited. The commenters expressed concerns on or objected to the application as agricultural land should be preserved. The site would be contaminated and hard to be restored for agricultural use again once approved for open storage or other uses. Noise, drainage and

traffic impact assessment reports should be included for assessment of the application. The use on-site involved storage of highly combustible materials and the layout was different from the description in the application. Workshop activities on production and painting of the backdrop screens were involved releasing toxic gas and adversely affecting the natural environment. The applied use was not in line with the planning intention of “AGR” zone and the cumulative impact should be considered. Farmland should be safeguarded. There was sufficient supply of open storage space. Approval of the application would set an undesirable precedent for similar applications. The renewal of the application in the future would make it more difficult to develop the land for more suitable uses. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. While DEP did not support the application, there was no environmental complaint received by DEP in the past three years. To address DEP’s concerns on the possible nuisance generated by the temporary use, approval conditions (a) to (d) restricting the operation hours, types of vehicles and prohibiting workshop-related activity were recommended. Besides, the applicant would be advised to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. As regards the four public comments expressing concerns on the application, it was considered that temporary approval would not frustrate the long term planning intention. The applicant also indicated that no toxic material or workshop would be involved and appropriate approval conditions were also recommended to prohibit workshop related activity and to minimise environmental impact. Other relevant departments also had no adverse comment on the application.

127. Members had no question on the application.

Deliberation Session

128. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.9.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) all the existing trees on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of the record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.12.2014;
- (h) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2014;

- (i) the submission of fire services installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.3.2015;
- (j) in relation to (i) above, the provision of fire services installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.6.2015;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

129. The Committee also agreed to advise the applicant of the following :

- “(a) resolve any land issues relating to the development with the concerned owners of the site;
- (b) the site should be kept in a clean and tidy condition at all time;
- (c) to note the comments of the District Lands Officer/Yuen Long that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval from the Lands Department (LandsD). No approval is given for the specified single-storey structure as storerooms and toilet. Lot No. 1831RP in D.D. 111 is covered by Short Term Waiver No. 3769 to allow the use of land for the purpose of ancillary use of open

storage of backdrop screens, advertising aluminium frames and construction materials. No permission has been given for the occupation of the Government land (GL) within the site. The applicant's attention is drawn to the fact that the act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Kam Tin Road via GL and other private lots. LandsD provides no maintenance works for the GL involved and does not guarantee right-of-way. The lot owners concerned will need to apply to LandsD to permit structures to be erected or regularize any irregularities on-site. The applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (d) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (e) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers of goods vehicles should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised

to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Besides, the good practice guidelines for open storage sites in Appendix V of this RNTPC paper should be adhered to. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant shall provide justifications to his Department for consideration. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval;

- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of any sub-main within the private lots to WSD's standards;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any use under the subject application. Before any new building works (including containers / open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. The site shall be provided with means of obtaining access

thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and/or overhead line alignment drawings obtained, if there is underground electricity cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier is necessary for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines."

[The Chairman thanked Mr C.K. Tsang, STP/FSYLE, for his attendance to answer Members' enquires. Mr Tsang left the meeting at this point.]

Agenda Item 37

Section 12A Application

[Open Meeting]

Y/YL-NSW/1 Application for Amendment to the Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8, To rezone the application site from “Residential (Group D)” to “Residential (Group D)1”, Lots 594, 595, 600, 1288 S.B RP (Part), 1289 S.B RP (Part) and 1292 S.B RP (Part) in D.D. 115, Nam Sang Wai, Yuen Long
(RNTPC Paper No. Y/YL-NSW/1)

130. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Limited (SHK). Environ Hong Kong (Environ), AECOM Asia Co. Limited (AECOM) and Urbis Limited (Urbis) were the consultants of the applicants. The following Members had declared interests in this item:

- Mr Ivan C.S. Fu - having current business dealings with SHK, Environ, AECOM and Urbis.

- Ms Janice W.M. Lai - having current business dealings with SHK, AECOM and Urbis.

- Dr Eugene K.K. Chan - being the Convenor of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from SHK.

- Ms Christina M. Lee - being a committee member of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from SHK.

- Prof. S.C. Wong - having current business dealings with AECOM; and being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where AECOM had sponsored some

activities of the Department.

131. The applicants had requested for deferment of consideration of the application. As Dr Eugene K.K. Chan, Ms Christina M. Lee and Professor S.C. Wong had no involvement in this application, the Committee agreed that they could stay in the meeting. The Committee also agreed that Mr Ivan C.S. Fu and Ms Janice W.M. Lai could stay in the meeting but should refrain from participating in the discussion.

132. The Committee noted that the applicant's representative requested on 28.8.2014 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of relevant Government departments including the Transport Department, the Agriculture, Fisheries and Conservation Department and the Drainage Services Department. This was the applicant's first request for deferment.

133. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/445 Temporary Cross-Boundary Traffic Service Station (including Public Car Park, Container Freight Station, Container Storage, Container Tractor/Trailer Park, Vehicle Repair Workshop, Office) with Ancillary Services Trades (including Handling In and Out of Container Freight, Arrival and Departure of Goods Vehicles) and Staff Canteen for a Period of 3 Years in “Other Specified Uses” annotated “Service Stations” Zone, Lots 372 S.D RP (Part), 661 S.C RP, 669 RP, 674 RP (Part), 733 RP (Part), 737 RP, 738 RP, 741 (Part), 742 RP (Part), 744 RP (Part), and 774 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/445A)

Presentation and Question Sessions

134. Mr Ernest C.M. Fung, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary cross-boundary traffic service station (including public car park, container freight station, container storage, container tractor/trailer park, vehicle repair workshop, office) with ancillary services trades (including handling in and out of container freight, arrival and departure of goods vehicles) and staff canteen for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application. Residential dwellings were found in close proximity of the site (the nearest one being about 45m from the site). Environmental nuisance such as dust and noise were expected

according to the “Revised Code of Practice on Handling Environmental Aspects of Open Storage and Other Temporary Uses”;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, there was no record on environmental complaint related to the site in the past 3 years. To address DEP’s concern and mitigate potential environmental impacts on the surrounding area, approval conditions restricting the operation hours, stacking height of containers stored on-site and provision of boundary fencing were recommended in paragraph 13.2 (a), (c), (d) and (n) of the Paper. Besides, the applicant should be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts.

135. Members had no question on the application.

Deliberation Session

136. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.9.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;

- (c) the containers stacked within 5m of the periphery shall not exceed the height of the boundary fence at any time during the planning approval period;
- (d) the stacking height of containers stored at any other location within the site shall not exceed 8 units at any time during the planning approval period;
- (e) no reversing in or out from the site is allowed at any time during the planning approval period;
- (f) the submission of proposal on buffer area fronting San Tin Tsuen Road within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 26.12.2014;
- (g) in relation to (f) above, the provision of buffer area fronting San Tin Tsuen Road within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 26.3.2015;
- (h) the submission of water supply for fire fighting and fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.12.2014;
- (i) in relation to (h) above, the implementation of water supply for fire fighting and fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.3.2015;
- (j) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.12.2014;
- (k) in relation to (j) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.3.2015;

- (l) the submission of landscape and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.12.2014;
- (m) in relation to (l) above, the implementation of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.3.2015;
- (n) the provision of boundary fencing on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.12.2014;
- (o) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

137. The Committee also agreed to advise the applicant of the following :

- “(a) shorter compliance periods are granted in order to monitor the compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;

- (b) to resolve any land issues relating to the temporary use with the concerned owner(s) of the site;
- (c) prior planning permission should have been obtained before commencing the applied uses at the site;
- (d) the permission is given to the development/uses and structures under application. It does not condone any other development/uses and structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the land within the site comprises Old Schedule agricultural lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission has been given for the applied use and/or occupation of the Government land (GL) (about 2,695m² subject to verification) within the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Castle Peak Road – Chau Tau Section via GL and private land. His Office does not provide maintenance works on this GL nor guarantee right-of-way. Should planning approval be given to the subject planning application, the lot owner will need to apply to his Office to permit structure to be erected or regularize any irregularities on-site. The applicant has either excluded the GL portion from the site or applied for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others, the payment of premium or fee, as may be imposed by LandsD;

- (f) to note the comments of the Director of Fire Services that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including containers as temporary buildings) are to be carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the proposed use under application is subject to the issue of a licence, any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (h) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department that part of the site may fall within the administration route protection boundary of the Northern Link (NOL). Although the programme and the alignment of the

proposed NOL are still under review, those areas within the railway protection boundary may be required to be vacated at the time for the construction of the proposed NOL;

- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection shall be obtained. The applicant is reminded that the proposed drainage proposal/works as well as the site boundary shall not cause encroachment upon areas outside the applicant's jurisdiction. The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the site;
- (j) to note the comments of the Director of Food and Environmental Hygiene that a proper food licence issued by his Department is necessary if any class of food business is open to the public;
- (k) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas; and
- (l) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant shall adopt good site practices and implement water pollution control measures as necessary in order to avoid affecting the nearby watercourse at the west of the site."

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/237 Renewal of Planning Approval for Temporary Restaurant for a Period
of 3 Years in “Open Space” Zone, Lots 5, 6, 7, 8 RP, 9 RP & 10 in
D.D. 101, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/237)

Presentation and Question Sessions

138. Mr Ernest C.M. Fung, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary restaurant under previous application No. A/YL-MP/194 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one supporting public comment was received. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 12 of the Paper.

139. Members had no question on the application.

Deliberation Session

140. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 8.11.2014 to 7.11.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 12:00 a.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (d) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;
- (e) the existing trees and vegetation within the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of photographic records of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.2.2015;
- (h) the submission of water supply for fire fighting and fire service installations

proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2015;

- (i) in relation to (h) above, the implementation of water supply for fire fighting and fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.8.2015;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

141. The Committee also agreed to advise the applicant of the following :

- “(a) to resolve any land issues relating to the temporary development with the concerned owner(s) of the site;
- (b) as advised by the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD), the temporary occupation permit in respect of the subject premises expired on 1.8.2014. Hence, the applicant is advised to apply for the occupation permit as required under the Buildings Ordinance (BO).
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands

Department (DLO/YL, LandsD) that the land under application site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The site is accessible from Castle Peak Road – Mai Po via a non-exclusive Right of Way No. 1 (Palm Springs Boulevard) jointly maintained by the owners of D.D. 104 Lot No. 4750 (Palm Springs) and Lot No. 4754 (Royal Palms). His office does not guarantee right-of-way. Should the application be approved, the lot owner will need to apply to his Office to permit structure to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (d) to note the comments of CBS/NTW, BD that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including temporary buildings) are to be carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the proposed use under application is subject to the issue of a licence, any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. The site shall be provided with means of obtaining access

thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that all the drainage facilities should be maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during the planning approval period. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by his Department is currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection shall be obtained. The applicant is reminded that the proposed drainage works as well as the site boundary shall not cause encroachment upon areas outside the applicant’s jurisdiction. The applicant should consult DLO/YL, LandsD regarding all the drainage works outside the site boundary in order to ensure the unobstructed discharge from the site in future;
- (g) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Furthermore, the emergency vehicle access provision in the site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by BD; and

- (h) to note the comments of the Director of Food and Environmental Hygiene that a proper food licence issued by his Department is necessary if any class of food business is open to the public.”

Agenda Item 40

Section 16 Application

[Open Meeting]

A/YL-NTM/308 Proposed School (Kindergarten) in “Residential (Group C)” Zone, G/F,
Maple Garden, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/308)

142. The Committee noted that the applicant’s representative requested on 11.9.2014 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of the Transport Department. This was the applicant’s first request for deferment.

143. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr Ernest C.M. Fung, STP/FSYLE, for his attendance to answer Members’ enquires. Mr Fung left the meeting at this point.]

Tuen Mun and Yuen Long West District

[Mr K.C. Kan, Mr Vincent T.K. Lai and Ms Polly O.F. Yip, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYLW), were invited to the meeting at this point.]

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/455 Proposed Utility Installation for Private Project (Electricity Substations) and Excavation and Filling of Land in “Village Type Development” Zone, Lot 98 (Part) in D.D. 122, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/455)

Presentation and Question Sessions

144. Mr K.C. Kan, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed utility installation for private project (electricity substations) and excavation and filling of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments as detailed in paragraph 11 of the Paper.

145. Members had no question on the application.

Deliberation Session

146. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 26.9.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.”

147. The Committee also agreed to advise the applicant of the following :

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lot within the site is an Old Schedule Agricultural Lot held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. No approval is given for the specified structures for the 2 electricity package substations with proposed landscape planters. Letter of Approval (LofA) No. MNT 16443 was granted to permit erection and maintenance of agricultural structures on Lot 98 in D.D. 122. Change of use of lot will cause a breach of the terms of the LofA concerned. The site is accessible from Yung Yuen Road. His office does not provide maintenance works on this track nor guarantees right-of-way. Should the application be approved, the lot owners will need to apply to the LandsD to permit structures to be erected or regularize any irregularities on site. Such

application would be considered by the LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If the application is approved, it would be subject to such terms and conditions, including among others, the payment of premium or fees, as may be imposed by LandsD;

- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. The site does not seem to abut on a specified street having a width not less than 4.5m wide, the development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. Formal submission under the Buildings Ordinance is required for any proposed new works, including the substation structure. Detailed checking of plans will be carried out upon formal submission of building plans;
- (c) to note the comments of the Director of Environmental Protection that the applicant is advised to take appropriate measures to avoid noise nuisance arising, such as locating openings of the proposed electricity package substations away from sensitive receivers;
- (d) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site. No vehicle is allowed to queue back to public road or reverse onto/from the public road. The local track leading to the subject site is not under the Transport Department's purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department that as the proposed

site falls within the route protection boundary of the West Rail, the applicant should consult Mass Transit Railway Corporation Limited on full details of the proposal and comply with their requirements with respect to the future construction, operation, maintenance and safety of the West Rail;

- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should be reminded that the installation should neither obstruct the overland flow nor adversely affect any existing watercourse, village drains or ditches etc;
- (g) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note the comments of the Director of Electrical and Mechanical Services that for the design and operation of electricity package substation, CLP Power Limited has to comply with the Electricity Ordinance and relevant statutory requirements. As the electricity package substation is to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substations as far as possible. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant's contractors when carrying out works in the vicinity of the electricity supply lines; and
- (i) to note the comments of the Director of Health that according to the World Health Organization (WHO), with compliance with the relevant

International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. As such, the project proponent must ensure that the installation complies with the relevant ICNIRP guidelines or other established international standards. WHO also encourages effective and open communication with stakeholders in the planning of new electrical facilities.”

[The Chairman thanked Mr K.C. Kan, STP/TMYLW, for his attendance to answer Members’ enquires. Mr Kan left the meeting at this point.]

Agenda Item 42

Section 16 Application

[Open Meeting]

A/YL-HT/907 Temporary Open Storage of Vehicles Not Yet Licenced to Run on the Road and Private Car Parking for a Period of 1 Year in “Government, Institution or Community” and “Recreation” Zones, Lots 515 RP (Part), 518 (Part), 521 (Part), 522, 523, 524 (Part), 525 (Part), 526 (Part), 1247 RP (Part), 1249 (Part), 1250 (Part), 1251 RP, 1252, 1253, 1254, 1255 (Part), 1256 (Part), 1257, 1258 RP, 1259 (Part), 1260, 1261 and 1262 RP(Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/907)

148. The Secretary reported that Ms Janice W.M. Lai had declared an interest in this item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen. As the applicant had requested for deferment of consideration of the application and the pieces of land of Ms Janice Lai’s spouse did not have direct view of the site, the Committee agreed that Ms Lai could stay in the meeting.

149. The Committee noted that the applicant’s representative requested on 10.9.2014

for deferment of the consideration of the application for two months to allow time for the preparation of the revised schematic layout plan due to the change of the internal layout. This was the applicant's first request for deferment.

150. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/916 Proposed Temporary Warehouse for Storage of Machinery, Spare Parts and Construction Material with Ancillary Office and Parking of Vehicle for a Period of 3 Years in "Comprehensive Development Area" Zone, Lots 51 (Part), 57 (Part), 58 (Part), 60, 61, 62, 63 (Part), 64, 65, 66 (Part), 67 (Part), 144 (Part), 146 (Part) in D.D. 125 and Lots 3220 (Part), 3221 S.A (Part), 3221 S.B (Part), 3222 (Part), 3223 (Part), 3224 (Part), 3225 S.A (Part), 3225 S.B (Part), 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3234 (Part) and 3235 (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/916)

151. The Secretary reported that Ms Janice W.M. Lai had declared an interest in this item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen. As the pieces of land of Ms Janice Lai's spouse did not have direct view of the site, the Committee agreed that Ms Lai could stay in the meeting.

Presentation and Question Sessions

152. Mr Vincent T.K. Lai, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of machinery, spare parts and construction material with ancillary office and parking of vehicle for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the vicinity (the nearest residential dwelling was about 64m away) and along the access road (Ping Ha Road) and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, 2 public comments from 42 residents of Fung Kong Tsuen, and Designing Hong Kong Limited were received. The residents of Fung Kong Tsuen objected to the application mainly on the grounds that the applied use was not compatible with the surrounding environment and would cause adverse drainage, landscape, noise and traffic impacts to the villages and surrounding areas. The Designing Hong Kong Limited objected to the application on the grounds that the proposed use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone which was intended for residential uses. The approval of the application would limit the opportunity for improving the site condition, and would set an undesirable precedent to similar applications. Ample sites had already been approved to satisfy the current and future demand. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

proposed temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. Although DEP did not support the application, there was no substantiated environmental complaint against the site over the past 3 years. To mitigate any potential environmental impacts, approval conditions on the restrictions on operation hours and workshop activities on-site had been recommended in paragraph 12.2 (a) to (c) of the Paper. Besides, the applicant would also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize the possible environmental impacts on the adjacent area. As regards the two public comments objecting to the application, it should be noted that the nearest village settlement of Fung Kong Tsuen to the west and the residential dwelling to the east were about 80m and 64m away respectively and the vehicular access to the site was via the adjoining site and a local track connecting to Ping Ha Road. The proposed warehouse structures would be located along the western and northern parts of the site and a double row of tree planting on its northern and western boundaries had been proposed to mitigate any potential environmental impacts to Fung Kong Tsuen. Other concerned departments had no objection to or no adverse comment on the application. Since there was not yet any known implementation programme, the approval of the application on a temporary basis would not frustrate the planning intention of the "CDA" zone. Approval conditions had been recommended to mitigate any potential environmental, traffic, drainage and landscape impacts.

153. Members had no question on the application.

Deliberation Session

154. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.9.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

“(a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant,

is allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle queuing is allowed back to the public road and no vehicle reversing into/from the public road is allowed at any time during the planning approval period;
- (e) the submission of a revised Drainage Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.3.2015;
- (f) the implementation of the drainage mitigation measures identified in the revised Drainage Impact Assessment within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.6.2015;
- (g) the implemented drainage mitigation measures on-site should be maintained at all times during the planning approval period;
- (h) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.3.2015;
- (i) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.3.2015;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 26.6.2015;

- (k) the provision of fencing, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.3.2015;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (f), (h), (i), (j) or (k) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

155. The Committee also agreed to advise the applicant of the following :

- “(a) resolve any land issues relating to the development with the concerned owner(s) of the site and the nearby lots;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private land comprises Old Schedule Agricultural Lots held under the Block Government Lease upon which no structure is allowed to be erected without the prior approval of the Government. No permission has been given for the proposed use and/or occupation of the Government land (GL) (about 170m² subject to verification) included into the site. The act of occupation of GL without Government’s prior approval is not encouraged. The site is accessible to Ping Ha Road mainly via private lots and a short stretch of GL. His office does not guarantee right-of-way. Should the application be approved, the

lot owner(s) would need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application would be approved. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium or fee, as may be imposed by LandsD. Furthermore, it is advised to avoid erecting structures on GL as occupation of GL without Government's permission is not encouraged and short-term tenancy applications with unauthorized structures will generally be rejected;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant is reminded that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches, and the adjacent areas. The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside the lot boundary before commencement of the drainage works;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring space shall be provided within the site. The local track leading to the site is not under the Transport Department's purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any

access connecting the site and Ping Ha Road;

- (g) to note the comments of the Director of Fire Services that fire service installations (FSIs) should be provided to his satisfaction. In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to him for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his department, the applicant is required to provide justifications to him for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirement will be formulated upon receipt of formal submission of general building plans; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the applied use. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Hoses), they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including shelters as temporary building) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with

means of obtaining access from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

[The Chairman thanked Mr Vincent T.K. Lai, STP/TMYLW, for his attendance to answer Members’ enquires. Mr Lai left the meeting at this point.]

Agenda Item 44

Section 12A Application

[Open Meeting]

Y/TM/16

Application for Amendment to the Draft Tuen Mun Outline Zoning Plan No. S/TM/32, To rezone the application site from “Comprehensive Development Area” to “Comprehensive Development Area (3)”, Lots 398 RP, 406 RP, 407, 408 RP, 409, 410 RP, 411 RP, 412 S.B, 412 RP, 413, 442 RP, 443 RP, 444, 445 S.A, 445 RP, 446 S.A, 446 RP, 447, 448, 449, 450, 451, 453 (Part), 454, 455, 456, 457, 458, 459 (Part), 462 (Part), 464 RP, 466 RP, in D.D. 374 and Lots 248 RP, 249 S.A RP, 249 S.B, 250 RP, 251, 253 (Part), 255 RP (Part) in D.D. 375 and Adjoining Government Land at Area 56, So Kwun Wat, Tuen Mun
(RNTPC Paper No. Y/TM/16)

156. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Limited (SHK). Environ Hong Kong Limited (Environ) and MVA Hong Kong Limited (MVA) were the consultants of the applicants. The following Members had declared interests in this item:

Mr Ivan C.S. Fu - having current business dealings with SHK, Environ and MVA.

- Ms Janice W.M. Lai - having current business dealings with SHK.
- Dr Eugene K.K. Chan - being the Convenor of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from SHK.
- Ms Christina M. Lee - being a committee member of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from SHK.
- Dr C.P. Lau - owned a flat on 2 Kwun Tsing Road, So Kwun Wat.

157. As the applicants had requested for deferment of consideration of the application, the Committee agreed that Mr Ivan C.S. Fu and Ms Janice W.M. Lai could stay in the meeting but should refrain from participating in the discussion. As Dr Eugene K.K. Chan and Ms Christina M. Lee had no involvement in this application, the Committee agreed that they could stay in the meeting. The Committee noted that Dr C.P. Lau had tendered apologies for being unable to attend the meeting.

158. The Secretary continued to say that on 16.7.2014, the applicant submitted the current application for the proposed amendment to the draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/32 to rezone the site in Area 56 from “Comprehensive Development Area” (“CDA”) to “CDA(3)”, with the maximum plot ratio (PR) increased from 1.3 to 2.6, the maximum building height increased from 10 storeys above car park to 79mPD, while the maximum site coverage remained to be 25%. The application was scheduled for consideration by the Committee on 26.9.2014. The draft Tuen Mun OZP No. S/TM/32, incorporating amendments, amongst others, for rezoning of 4 housing sites (C4, C5, C7 and C8) in Area 56 at the vicinity of the site with an increase in maximum PR from 1.3 to 3.6 was gazetted on 2.5.2014. During the statutory 2-month public inspection period, the applicant lodged an adverse representation (R1566) against the aforesaid 4 housing sites for the reason that some readily available development sites in Area 56 should be accorded with higher priority for PR increase, and the representer’s proposal included to increase the PR for other

suitable development sites such as the subject “CDA” site in Area 56. It should be noted that the subject representation R1566 and other adverse representations to the concerned amendments items C4, C5, C7 and C8 were yet to be considered and heard by the Town Planning Board (the Board). It was considered that the current s.12A application was related to the representation R1566 submitted by the same applicant. The justification for the s.12A application was similar to the proposal in the representation R1566 in that the application site was ready for development and priority should be given to the subject site for up-zoning. A decision on the subject s.12A application might pre-empt the Board to consider representation R1566 submitted by the applicant.

159. The Committee noted that the Planning Department (PlanD) recommended to defer consideration of the application after the Board had considered the representations regarding amendment items C4, C5, C7 and C8. According to the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33), the Board might defer a decision on the application on reasonable grounds as the Board thought fit. The justifications for deferment met the criteria for deferment as set out in TPB PG-No. 33 in that the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

160. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD, and the application should be submitted for its consideration after the Board had considered the representations regarding amendment items C4, C5, C7 and C8 and had made a decision on the representations.

[Mr F.C. Chan left the meeting at this point.]

Agenda Item 45

Section 16 Application

[Open Meeting]

A/TM/405 Columbarium in “Green Belt” Zone, G/F and 1/F, Lot No. 559 in
D.D. 131 within Tsing Wan Kun, Tuen Mun
(RNTPC Paper No. A/TM/405D)

161. The Secretary reported that TMA Planning and Design Limited (TMA) and CKM Asia Limited (CKM) were the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with TMA. Professor S.C. Wong had also declared an interest in this item as he was the Fellow of the Institute of Transport Studies of the University of Hong Kong which received financial sponsorship from CKM. As the applicant had requested for deferment of consideration of the application and Mr Fu and Professor Wong had no involvement in this application, the Committee agreed that they could stay in the meeting.

162. The Secretary continued to say that on 12.11.2010, 4.3.2011 and 17.6.2011, the Committee decided to defer a decision on the application three times as requested by the applicant to allow time for the submission of further information to address departmental comments. On 2.9.2011, the Committee decided to defer a decision on the application as requested by the Planning Department (PlanD) to allow sufficient time for seeking legal advice on a public comment regarding the authority of the two managers (Messrs. To Kam Chow and To Kan Chi) to act for T'ong Tsing Wan Kun (the applicant) which was challenged at court. The legal advice was that it would be prudent for the Committee to adjourn consideration of the application pending the outcome of the outstanding court proceedings. Upon PlanD's recent enquiry in February 2014, it was noted that the aforesaid court proceedings were still yet to be tried. Legal advice was further sought. In consideration that a substantial period had gone by since the last deferment of the consideration of the application and the long period of inaction relating to the aforesaid court proceedings, the legal advice was that it would be reasonable to resume the consideration of the application by the Committee, notwithstanding the fact that there was yet to be an outcome of the court proceedings. Based on the legal advice, the application was reactivated recently and scheduled for the consideration of the Committee on 26.9.2014.

163. The Committee noted that the applicant's representative requested on 12.9.2014 for further deferment of the consideration of the application for two months in order to address the departmental comments, particularly on the comments from the Transport Department which required a completely updated Traffic Impact Assessment. This was the applicant's fourth request for deferment. It was noted that subsequent to the first three deferments as requested by the applicant, the applicant had submitted further information to address departmental comments. Due to lapse of time since the last deferment, relevant departments were consulted again on the application. The current request for deferment submitted by the applicant was to allow time for addressing the recent departmental comments and for updating technical assessments particularly on traffic aspect.

164. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. The Committee agreed to advise the applicant that since this was the fifth deferment and a total of seven months had been allowed for the preparation of further information, no further deferment would be granted.

[Mr H.F. Leung left the meeting at this point.]

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/336 Temporary Open Storage of Construction Material for a Period of 3
Years in “Agriculture” Zone, Lots 1937 (Part), 1938 (Part), 1939
(Part), 1940 (Part) in D.D. 118 and Adjoining Government Land, Sung
Shan New Village, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/336)

Presentation and Question Sessions

165. Ms Polly O.F. Yip, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction material for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application in accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, as there were sensitive receivers of residential uses in the vicinity, with the nearest one located about 5m to the immediate east of the site, and environmental nuisance was expected. There was one substantiated environmental complaint on the waste aspect at the site received in 2011. According to file record, some construction waste (packings, wooden pallets, debris, etc.) was found at Lot 1937 in D.D. 118 and the adjoining Government land near a stream. No flytipping was detected in DEP’s inspections. Further to DEP’s continuous liaisons with the occupier of the subject lot, all the waste was cleared in about three weeks’ time. No enforcement action was taken by DEP. Besides, the

Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view. Based on aerial photo, it was noted that road access and irrigation source were available to the site. Although the site had been hard paved, it could be used for plant nursery and greenhouse cultivation;

- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and a local resident raising objection to the application. Designing Hong Kong Limited objected to the application mainly on the grounds that the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; there was no overriding reason to support the application as there was sufficient supply of land to meet the demand for open storage use; the supply of farmland should be safeguarded; and approval of the application and its subsequent renewal would make it difficult to use the site for other more suitable uses. The other commenter raised concerns on the environmental nuisances generated by the site (e.g. noise generated from the bending and cutting of metal bars and handling of construction material) and the traffic impact arising from the use of heavy goods vehicles, and considered that the applicant should find other suitable sites (i.e. open storage or industrial land) for the applied use;
- (e) the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) had received a written comment from 元朗崇山新村居協會 dated 2.9.2014 raising objection to the subject application on traffic safety grounds; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper, which were summarised as follows:
 - (i) the development was not in line with the planning intention of the “AGR” zone which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. This

zone was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. In this regard, DAFC did not support the application from agricultural development point of view as there was road access and irrigation source was available to the site and the site had potential to be used for plant nursery and greenhouse cultivation. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (ii) the development was incompatible with the surrounding areas which were predominantly rural in character with scattered residential structures, chicken farm, fallow agricultural land and unused land. While there were some open storage yards and storage uses in the vicinity, they were suspected unauthorized developments subject to enforcement action taken by the Planning Authority. Besides, the site was located in close proximity to an area zoned “Conservation Area” to its further north (about 25m away);

- (iii) the site fell within Category 3 areas according to the Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E). The application did not comply with TPB PG-No. 13E in that there was no previous approval granted at the site for open storage use and there were adverse comments from the relevant departments and local objections against the application. Apart from DAFC, DEP also did not support the application as there were sensitive receivers of residential uses in the vicinity with the nearest one located about 5m to the immediate east of the site, and environmental nuisance was expected. Besides, there was a substantiated environmental complaint on the waste disposal at the site received in 2011. On the drainage aspect, no submission was made by the applicant to demonstrate that the development would not generate adverse drainage impact on the adjacent areas and the Chief

Engineer/Mainland North of Drainage Services Department had requested the applicant to submit a drainage proposal in this regard. In view of the above, the applicant failed to demonstrate that the proposed development would not cause adverse environmental and drainage impacts on the surrounding areas. Hence, the application did not warrant sympathetic consideration;

- (iv) the previous application for similar temporary uses at the site for a period of 3 years was rejected by the Committee on 9.6.2000. All the other similar applications for temporary open storage with/without warehouse and ancillary office/workshop uses in the subject “AGR” zone that were considered after the promulgation of TPB PG-No. 13E were also rejected either by the Committee or the Town Planning Board on review. Since there was no previous planning approval granted for open storage use at the site and there had not been any planning approval for similar use in the subject “AGR” zone on the OZP, the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “AGR” zone. The cumulative effect such applications would result in a general degradation of the rural environment of the area; and
- (v) there were two public comments received during the statutory publication period and one comment conveyed by DO(YL), which all raised objection to the application.

166. Members had no question on the application.

Deliberation Session

167. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development under application does not comply with the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that there is no previous planning approval granted to the site and there are adverse departmental comments and local objection against the application;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

Agenda Item 47

Section 12A Application

[Open Meeting]

Y/YL-TYST/4

Application for Amendment to the Approved Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/10, To rezone the application site from “Green Belt”, “Residential (Group B) 1”, “Residential (Group C)”, “Residential (Group D)” to “Government, Institution or Community”, Lot 1829 S.A RP (Part) in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. Y/YL-TYST/4)

168. The Secretary reported that AECOM Asia Co. Limited (AECOM) was the consultant of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as they had current business dealings with AECOM. Professor S.C. Wong had also declared an interest in this item as he had current business dealings with AECOM and he was the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where AECOM had sponsored some activities of the Department. As the applicant had requested for deferment of consideration of the application and Mr Fu, Ms Lai and Professor Wong had no involvement in this application, the Committee agreed that they could stay in the meeting.

169. The Committee noted that the applicant's representative requested on 11.9.2014 for deferment of the consideration of the application for two months so as to allow time to prepare supplementary information to respond to departmental and public comments received on the application. This was the applicant's first request for deferment.

170. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that three months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/694 Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Village Type Development” Zone, Lots 1567 RP (Part), 1568 (Part) and 1570 (Part) in D.D. 121, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/694)

Presentation and Question Sessions

171. Ms Polly O.F. Yip, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park for private cars and light goods vehicles for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper.

172. Members had no question on the application.

Deliberation Session

173. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.9.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicle without valid licences issued under the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site at all times to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, is allowed to park on the site during the planning approval period;
- (d) no open storage activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no vehicle repairing, dismantling, or other workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no queuing and reverse movement of vehicle onto public road are allowed at any time during the planning approval period;
- (g) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.3.2015;

- (h) in relation to (g) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.6.2015;
- (i) the submission of the landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.3.2015;
- (j) in relation to (i) above, the implementation of the landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.6.2015;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.3.2015;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.6.2015;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

174. The Committee also agreed to advise the applicant of the following :

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) resolve any land issue relating to the development with other concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department’s (DLO/YL, LandsD) that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. No approval is given for the specified structures for site office, guard room and meter room. Should the application be approved, the owner(s) concerned will need to apply to his office to permit structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal village track on Government land from Shan Ha Road. His office does not provide maintenance works for such track nor guarantees right-of-way;
- (d) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles. The land status of the access road/path/track leading to the site from Shan Ha Road should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified with the relevant management and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West,

Highways Department that adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to the nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the site and Shan Ha Road;

- (f) to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage proposal (Annex 2 of the Supplementary Planning Statement at Appendix Ia of this RNTPC Paper) as follows:
 - (i) the invert levels of the proposed catchpits should be shown on the drainage plan for reference;
 - (ii) the existing drainage facilities, to which the stormwater of the development from the site would discharge, should be indicated on plan. The relevant connection details should be provided for comment. The applicant should check the hydraulic capacity of the existing drainage facilities would not be adversely affected by the development;
 - (iii) the location of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan;
 - (iv) cross sections showing the existing and proposed ground levels of the site with respect to the adjacent areas should be given;
 - (v) standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit;

- (vi) sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities;
 - (vii) the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc; and
 - (viii) the applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that existing water mains will be affected (Plan A-2 of this RNTPC Paper). The developers shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the centerline of the affected water mains shall be provided to his Department. No structure shall be erected over the waterworks reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across through or under it which the Water Authority may require or authorize. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site. Besides, the water mains in the vicinity of the site cannot provide standard pedestal hydrant;
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his

Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location where the proposed FSIs to be installed should also be clearly marked on the layout plans. Furthermore, should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any use under the application. Before any new building works (including site office, guard room and containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the site under BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (k) to note the comments of the Director of Electrical and Mechanical Services

that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 49

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/695 Temporary Container Tractor/Trailer Park and Open Storage of Construction Machinery with Ancillary Office for a Period of 3 Years in “Undetermined” zone, Lot 2817 RP (Part) in D.D. 120, Kung Um Road, Yuen Long

(RNTPC Paper No. A/YL-TYST/695)

Presentation and Question Sessions

175. Ms Polly O.F. Yip, STP/TMYLW, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary container tractor/trailer park and open storage of construction machinery with ancillary office;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application in accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, as there was sensitive receiver of residential use to the southeast and southwest of the site with the nearest one about 50m away (Plan A-2), and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, the residential structure was separated from the site by other uses and there had been no environmental complaint concerning the site in the past 3 years. Besides, vehicles to and from the site would not need to pass by the nearby residential structures and the applicant undertook not to carry out vehicle repairing, dismantling and other workshop activities on the site. As such, it was not expected that the development would generate significant environmental impact on the surrounding areas. To address DEP’s concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and prohibiting workshop activities, as proposed by the applicant, were recommended in paragraph 13.2(a) to (c) of the Paper. The applicant would also be advised to adopt the environmental mitigation

measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

176. Members had no question on the application.

Deliberation Session

177. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.9.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle dismantling, vehicle repairing or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no queuing and reverse movement of vehicle onto public road are allowed at any time during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of a record of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.12.2014;
- (g) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.3.2015;

- (h) in relation to (g) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.6.2015;
- (i) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2014;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.3.2015;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.6.2015;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

178. The Committee also agreed to advise the applicant of the following :

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;

- (b) resolve any land issue relating to the development with other concerned owner(s) of the site;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agriculture Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. Lot No. 2817 RP in D.D. 120 is covered by Short Term Waiver No. 2429 to allow the use of land for the purpose of a temporary container and trailer park. Should approval be given to the subject planning application, the lot owner concerned will need to apply to his office to permit structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible to Kung Um Road through an informal track on Government land and other private land. His office does not provide maintenance works for such track nor guarantees right-of-way;
- (e) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles. The land status of the access road/path/track leading to the site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified with the relevant management and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water flowing from the site to the nearby public

road/drains. His office shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;

- (g) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that replacement tree planting should be undertaken if trees are found dead on site;
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. The attached good practices guidelines for open storage (Appendix V of this RNTPC Paper) should also be adhered to. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as

temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by PlanD, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when

carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/696 Temporary Open Storage of Construction Machinery and Material for a Period of 3 Years in “Undetermined” Zone, Lots 2423 RP (Part), 2426 RP (Part), 2427, 2428 RP (Part), 2429 S.A, 2429 S.B, 2429 S.C, 2429 S.D (Part), 2429 RP, 2430, 2431 (Part), 2432 (Part), 2433 (Part), 2434 (Part), 2688 (Part), 2690 (Part), 2691, 2692 (Part), 2693 (Part), 2694, 2695, 2696 (Part), 2697, 2698 S.A (Part), 2698 S.B (Part), 2699 (Part), 2700 (Part) and 2701 (Part) in D.D. 120 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/696)

Presentation and Question Sessions

179. Ms Polly O.F. Yip, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction machinery and material for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application in accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, as there were sensitive receivers of residential use along the access track leading from Shan Ha Road to the site, and environmental nuisance was expected. The Director of Agriculture,

Fisheries and Conservation (DAFC) had reservation on the application from the agricultural point of view as the site had high potential for agricultural rehabilitation;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. Although DAFC had reservation on the application, the area was generally intended for open storage use and the vegetation on the site had already been cleared with the site formed. Whilst DEP did not support the application, there was no existing residential dwelling in the immediate surroundings of the site and there had been no environmental complaint concerning the site in the past 3 years. Besides, the applicant undertook not to carry out workshop activities or handling of electronic/electrical appliances/components on the site and not to use heavy vehicles exceeding 24 tonnes (including container trailer/tractor). As such, it was not expected that the development would generate significant environmental impact on the surrounding areas.

180. Members had no question on the application.

Deliberation Session

181. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.9.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant,

is allowed on the site during the planning approval period;

- (c) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, cleaning, repairing, spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (e) no storage or handling (including loading and unloading) of electrical/electronic appliances, computer/electronic parts (including cathode-ray tubes), as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no queuing and reverse movement of vehicle onto public road are allowed at any time during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a record of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.12.2014;
- (i) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.3.2015;
- (j) in relation to (i) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.6.2015;

- (k) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2014;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.3.2015;
- (m) in relation to (l) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.6.2015;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

182. The Committee also agreed to advise the applicant of the following :

- “(a) resolve any land issue relating to the development with other concerned owner(s) of the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands

Department (LandsD) that site comprises Old Schedule Agriculture Lots held under Block Government Lease which no structures are allowed to be erected without prior approval from his Office. No approval is given for the specified structures for site office and toilet uses. No permission has been given for the occupation of the Government land (GL) within the site. Attention is drawn to the fact that the act of occupation of GL without Government's prior approval should not be encouraged. Should approval be given to the subject planning application, the lot owners concerned will need to apply to his office to permit structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal village track on GL and private land extended from Shan Ha Road. His office does not provide maintenance works for such track nor guarantees right-of-way;

- (d) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles. The land status of the access road/path/track leading to the site from Shan Ha Road should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified with the relevant management and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water flowing from the site to the nearby public road/drains. His office shall not be responsible for the maintenance of any access connecting the site and Shan Ha Road;

- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that when comparing the submitted tree preservation and landscape proposals (Drawing A-3 of this RNTPC Paper) with her site record, it is noted that there are about 15 trees missing in the site. It is recommended that more trees should be planted along the eastern and/or southern boundaries;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. The attached good practices guidelines for open storage (Appendix V of this RNTPC Paper) should also be adhered to. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as

the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage; and

- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by PlanD, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines."

[Mr W.S. Lau, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYLW), was invited to the meeting at this point.]

Agenda Item 51

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/209 Proposed Comprehensive Residential and Commercial Development with Government, Institution or Community Facilities and Public Transport Facilities (Amendments to Approved Master Layout Plan) in “Comprehensive Development Area”, ‘Road’, “Open Space” and “Village Type Development” Zones, Government Land in the West Rail Yuen Long Station and the Associated Public Transport Interchange in Area 15, Yuen Long
(RNTPC Paper No. A/YL/209)

183. The Secretary reported that the application was submitted by Kowloon-Canton Railway Corporation (KCRC) represented by Mass Transit Railway Corporation Limited (MTRCL). Environ Hong Kong Limited (Environ), ADI Limited (ADI), Ove Arup & Partners Hong Kong Limited (OAP) and J. Roger Preston Limited were the consultants of the applicant. The following Members had declared interests in this item:

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| Mr W.C. Luk
as the Chief Traffic
Engineer of Transport
Department | - being an assistant to the Commissioner for Transport who was a non-executive Director of MTRCL. |
| Mr Ivan C.S. Fu | - having current business dealings with MTRCL, Environ, ADI, OAP and J. Roger Preston Limited. |
| Ms Janice W.M. Lai | - having current business dealings with MTRCL and ADI. |

Professor S.C. Wong - being the Fellow of the Institute of Transport Studies of the University of Hong Kong. MTRCL and OAP had sponsored some activities of the Institute.

184. As the interests of Mr W.C. Luk, Mr Ivan C.S. Fu and Ms Janice W.M. Lai were direct, the Committee agreed that they should leave the meeting temporarily for this item. As Professor S.C. Wong had no involvement in this application, the Committee agreed that he could stay in the meeting.

[Mr W.C. Luk, Mr Ivan C.S. Fu and Ms Janice W.M. Lai left the meeting at this point.]

Presentation and Question Sessions

185. With the aid of a PowerPoint presentation, Ms Polly O.F. Yip, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) the application was for proposed comprehensive residential and commercial development with government, institution or community (GIC) facilities and public transport facilities with a total gross floor area (GFA) of 137,990m². It comprised 6 residential towers above podium with a provision of 1,876 flats. The Northern Site comprised 4 residential towers of 23 to 35 storeys atop entrance lobby and a 4-level podium (maximum building height (BH) ranging from 109.85mPD to 145.85mPD). The Southern Site comprised 2 residential towers of 47 storeys (plus a refuse floor) atop entrance lobby/residents' clubhouse, a 3-level podium and one level of basement car park (maximum BH of 174.5mPD). The domestic and non-domestic plot ratios (PRs) of the proposed development were 3.66 and 0.33 respectively. The existing Long Lok Road would be realigned beneath the Southern Site podium and retained as a public road with laybys for public transport facilities and residential coach. The passageway between the Southern Site podium and Sun Yuen Long Centre was proposed to be used as an emergency vehicular access (EVA) and accessible by the public as a pedestrianized area. A landscaped open

plaza of about 1,200m² and a covered plaza of 1,235m² were proposed on the ground level of the Southern Site;

- (b) the applicant proposed amendments to the previously approved scheme (application No. A/YL/125) which mainly involved the adjustment of site boundary, the deletion of 3 residential towers to lower development intensity, widening of breezeways/visual corridors (from 80m to 130m at the Northern Site and 10m to 50m at the Southern Site) to improve air ventilation and visual permeability, reduction in BH at the Northern Site by 3.4m, reduction in podium height and bulk, realignment of Long Lok Road, adding of GIC facilities (i.e. Integrated Children & Youth Services Centre and Integrated Family Service Centre) in the development, as well as the provision of landscaped open plaza and pedestrianized passageway at the Southern Site to improve pedestrian environment. According to the applicant, the current scheme not only aimed to comply with the Sustainable Building Design (SBD) Guidelines and increase the supply of small to medium-sized flats, but also take the opportunity to make improvements to the scheme in meet the rising community aspirations for a less dense environment;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application. In comparison with the approved scheme (application No. A/YL/125), the current scheme had reduced in development intensity by 14%. It had deleted 3 residential towers, allowing wider building separations, and reduced the length, height and bulk of the Southern Site podium, allowing creation at ground level of a landscaped open plaza and a covered plaza. The current scheme had demonstrated improvements in the overall visual permeability of the development and the general amenity of the public realm. Besides, according to the findings of the Air Ventilation Assessment (AVA), the current scheme had better air ventilation performance than the approved scheme. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, a total of 141 public comments were received, including 3 supporting, 122 expressing concerns and 16 objecting to the application. The grounds of these public comments were summarised as follows:
- (i) regarding the 3 supporting comments, two were from individuals without providing any reason, and one was from the Chairman of Shap Pat Heung Rural Committee (SPHRC) who supported the application mainly on the grounds that the proposed development was in line with the prevailing government policy on housing supply and the planning intention of the “Comprehensive Development Area” (“CDA”) zone as well as coping with the increase in population in Yuen Long. The applicant had consulted the SPHRC and majority of the villages in the vicinity supported the application;
 - (ii) regarding the 122 comments expressing concerns on the application, 114 were in the form of a standard letter from the residents of Sun Yuen Long Centre (SYLC). They mainly expressed concerns on the BH of the development which would block the sunlight, cause wall effect, air ventilation, health and fire safety problem. They also worried about the structural safety of nearby residential developments/villages due to the construction of the proposed development, the impacts on their daily life, the insufficient provision of public transport facilities, the inconvenience caused by road/footbridge closure during construction. The remaining comments were from individuals who expressed concerns mainly on the possible environmental nuisances during construction, air ventilation impact, and traffic and pedestrian congestion arising from the population increase; and
 - (iii) regarding the 16 adverse comments, one was from Green Sense which objected to the application mainly on air ventilation aspect. It suggested further improvement of the scheme by reducing the commercial floor space and podium size so as to improve the air

ventilation at street level. Two identical comments were from the Wong Uk Tsuen Concern Group and villagers of Wong Uk Tsuen who strongly objected to the proposed development on 'fung shui' ground and its wall effect. They also expressed concern on the insufficient transport, pedestrian, community facilities to cater for the population increase arising from the planned residential developments in the area. Another public comment was from the village representative of Nam Pin Wai. He mainly considered that Tower T5 of the proposed development was too close to the village and should be moved to another location. He also proposed that a barrier free access for the disabled at the West Rail station and requested improvement of the road junction in front of the village. The remaining comments were from individuals objecting to the application mainly on environmental, air ventilation and traffic aspects. There were also some individuals who considered the design of the pedestrian area between SYLC and the Southern Site podium not satisfactory and suggested further improving the design of the open plaza and ground level space;

- (e) no local objection/view was received by the District Officer (Yuen Long);
and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper, which were summarised as follows:
 - (i) the proposed development was in line with the planning intention of the "CDA" zone, and was not incompatible with the surrounding areas which were high-rise residential and commercial developments. The proposed amendments to the approved scheme, with reduction of overall PR by 14% and domestic PR by 15.9%, were to address the public concerns for lower development intensity and improving environment, while catering for the changes necessitated by the introduction of the SBD Guidelines;

- (ii) regarding the public comments expressing concerns on wall effect and air ventilation impacts, the provision of breezeways/visual corridors of 130m and 50m at the Northern and Southern Sites respectively had allowed wind to penetrate and enhance visual permeability of the proposed development. According to the AVA conducted by the applicant, the current scheme had demonstrated a better air ventilation performance and CTP/UD&L of PlanD had no objection to the application from air ventilation perspective. As per the fire safety concern, the Director of Fire Services had no objection to the application;

- (iii) regarding the public comment expressing traffic concerns, future Long Lok Road would be a public road with laybys for public transport facilities and residential coach. Moreover, the proposed development was on top of the West Rail Yuen Long Station and adjacent to the Light Rail Transit terminus and was well served by various public transport facilities. Hence, it was not anticipated that there would be insufficient provision of public transport facilities and traffic congestion issue. On aspect of pedestrian connectivity, at-graded pedestrian walkway and footbridge systems would be provided/modified to facilitate pedestrian movement between the proposed development, West Rail Yuen Long Station and the adjoining developments. In this regard, the Commissioner for Transport had no objection to the application.;

- (iv) regarding the public comments expressing concerns on the possible impact of the proposed development on the structural safety of the nearby villages/developments, the building safety aspect would be governed by the Buildings Ordinance. Moreover, as advised by the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department, the developer would need to submit any necessary slope stabilization works in conjunction with the development proposal to the relevant authorities for consideration;

- (v) regarding the public comments expressing concerns on environmental impacts during the construction period, the applicant would need to comply with relevant Environmental Protection Ordinances and propose appropriate mitigation measures to mitigate the impacts;
- (vi) regarding the public comments expressing concerns on the insufficient provision of community facilities arising from the population increase, there was sufficient provision of GIC facilities and open space in the Yuen Long OZP to meet the local needs; and
- (vii) regarding the public comments on the design of open plaza and ground level space, the applicant could be required to further improve the design at the detailed design stage.

186. The Committee noted that Green Sense had submitted a letter expressing objection to the application to the Committee before the meeting, and the letter had been tabled at the meeting for Members' consideration.

187. As requested by the Chairman, Ms Polly O.F. Yip explained the improvements made in the current scheme as compared with the approved scheme by making reference to the photomontages. Two blocks were deleted at the Southern Site and one block was deleted at the Northern Site. Breezeways/visual corridors among the building blocks had been widened (from 80m to 130m at the Northern Site and 10m to 50m at the Southern Site). Living environment of SYLC in between the Northern and Southern Sites could be improved.

188. Mr W.S. Lau, DPO/TMYLW, supplemented that Green Sense had submitted a public comment on the application during the first three weeks of the statutory publication period. The grounds of objection in the public comment were similar to those in the letter submitted just before the meeting. The grounds were that the development intensity and bulk of the podium of the comprehensive development at Yuen Long Station should be further reduced to be comparable with the revised scheme of the comprehensive development at Nam Cheong Station, which was widely acceptable by the public; GFA of the proposed shopping facilities should be reduced as there were already many shopping centres in the

vicinity; and Sun Hung Kai Property Limited (SHK) would be benefitted as SHK would most likely win the tender for the Yuen Long Station development. In response to Green Sense's grounds of objection, Mr Lau provided the following information for Members' reference:

- (a) the previously approved scheme of Nam Cheong Station development was amended in 2011. The reduction in PR, BH and podium bulk was similar for both developments. The reduction in PR for Nam Cheong Station development was from 6.6 to 5.31 while that for Yuen Long Station development was from 4.6 to 3.9. Maximum BHs of both developments after reduction were 47 storeys. The height of podium after reduction was 27mPD for Nam Cheong Station development and 18mPD for Yuen Long Station development; and
- (b) there were 27,600m² retail GFA for Nam Cheong Station development while there were 9,900m² retail GFA for Yuen Long Station development and 68,000m² retail GFA at Yoho Town Phases I to III;
- (c) Yuen Long Station site, at the interchange of West Rail, Light Rail Transit and other public transport, had high accessibility which was suitable for provision of shopping facilities to serve the nearby people; and
- (d) Yuen Long District Council had concerns on insufficient shopping facilities in Yuen Long Town Centre and suggested to provide shopping facilities at the edge of Town Centre so as to decentralize the shopping population. Providing shopping facilities at Yuen Long Station development, which was located at the eastern edge of the Town Centre, could help address the concern.

Deliberation Session

189. The Chairman said that while the amendments to the development schemes at Yuen Long Station and Nam Cheong Station were quite similar as presented by Mr W.S. Lau, DPO/TMYLW, it was not appropriate to compare two development schemes as they were at different locations and had different site contexts. According to the general planning

principles, locations with high accessibility were suitable for provision of shopping facilities. Hence, the proposed shopping facilities at Yuen Long Station development were considered suitable. Besides, the issue of which developer might win the tender of Yuen Long Station development was not relevant in consideration of this planning application.

190. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 26.9.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a revised Master Layout Plan (MLP) to take into account conditions (b), (c), (f), (g), (h), (i), (k), (o) and (p) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a Landscape Master Plan including a tree preservation proposal and submission of quarterly tree monitoring reports to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of an implementation programme to the satisfaction of the Director of Planning or of the TPB;
- (d) the design and implementation of the road improvement works as proposed in the Traffic Impact Assessment by the applicant to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the design and implementation of the link road connecting Long Ming Street and Long Wo Road and the associated junctions to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the design and implementation of the realigned Long Lok Road and public transport facilities arrangement to the satisfaction of the Commissioner for Transport or of the TPB;

- (g) the design and implementation of a pedestrian walkway system and footbridge connections to the surrounding areas to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the design and implementation of the vehicular access arrangements and car parking provision to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the submission of an Environmental Assessment Report and provision of environmental mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (j) the submission of an undertaking letter on the implementation of the proposed noise mitigation measures and to incorporate the measures in the building plan submission as well as in the Deed of Mutual Covenant, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (k) the design and provision of emergency vehicular access, water supplies for fire-fighting and fire services installations to the satisfaction of the Director of Fire Services or of the TPB;
- (l) the provision of waterworks reserve areas for protection of existing water mains and any diversion required by the proposed development to the satisfaction of the Director of Water Supplies or of the TPB;
- (m) the submission of a revised Drainage Impact Assessment for the proposed development, including flood relief mitigation measures and implementation of the drainage proposal and other necessary flood relief mitigation measures identified in the revised Drainage Impact Assessment, to the satisfaction of the Director of Drainage Services or of the TPB;
- (n) the provision of sewage disposal system including the actual alignment and connection point of the proposed sewers to the satisfaction of the Director of Drainage Services and the Director of Environmental Protection or of

the TPB;

- (o) the design and provision of an Integrated Children and Youth Services Centre with a net operation floor area (NOFA) of not less than 631m² and an Integrated Family Service Centre with a NOFA of not less than 535m² to the satisfaction of Director of Social Welfare or of the TPB; and
- (p) the design and provision of public toilet and other ancillary facilities to the satisfaction of the Director of Food and Environmental Hygiene or of the TPB.”

191. The Committee also agreed to advise the applicant of the following :

- “(a) to revise the MLP to take into account the conditions of approval imposed by the Board. The approved MLP, together with the set of approval conditions would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into the revised MLP for deposition in the Land Registry as soon as practicable;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that:
 - (i) the existing vehicular ramp down from the southeastern corner of Sun Yuen Long Centre (SYLC) is held under a Deed of Easement dated 23.4.1993. As a portion of the vehicular ramp will be included in the site, the proposed development should be subject to the benefit of the said Deed of Easement. In this regard, appropriate condition shall be incorporated into the land grant of the proposed development;
 - (ii) the proposed footbridge FB6 would affect the lease of SYLC and may have lease and premium implications, and relevant

authority/approval should be obtained in this regard. Moreover, lease modification for SYLC may be required to facilitate such footbridge construction. However, there is no guarantee that such lease modification would be approved. Such modification will be dealt with and considered under the current policy and guidelines by his department acting in the capacity of the landlord at his discretion, and if it is approved under such discretion, the approval will be subject to such terms and conditions including amongst others, the payment of premium and administrative fee as may be imposed by his department;

- (iii) for the footbridge FB5 connecting the “Comprehensive Development Area” site in Area 15 (i.e. Yoho Phase III of YLTL 507) and the site, as the provision of footbridge is a requirement under the lease of YLTL 507, there should be a provision to receive the said footbridge under the land grant of the proposed development;
- (iv) the modification of existing footbridge FB2 should not result in that the footbridge connection would go beyond the connections points as stipulated in the land lease of SYLC. The modification of footbridge FB3 over the present bus terminus and public light bus terminus, and the proposed footbridge FB4 over Castle Peak Road should be forwarded to relevant departments for comments including the Transport Department, the Highways Department, the Yuen Long District Office, and the Leisure and Cultural Services Department;
- (v) the future maintenance and management of the above mentioned footbridges should be agreed by relevant departments before the implementation of construction works; and
- (vi) the northern boundary of the Southern Site should match with the lot boundary of SYLC in order not to leave any unleased and

unallocated Government land in between;

- (c) to note the comments of the Chief Estate Surveyor/Railway Development, LandsD that:
 - (i) the applicant is required to apply to LandsD for a land grant of the proposed development and it should not be commenced before execution of the land grant. The development parameters as approved by the TPB will be taken into account in drawing up the land grant conditions where appropriate. Attention is drawn to the issue of gross floor area (GFA) calculation for the proposed development, such as whether the provision of car parking spaces, Government, Institution or Community facilities, 24-hour covered pedestrian walkway and covered landscape plaza, etc. are GFA accountable. Appropriate conditions will be incorporated in the land grant after departmental circulation implementing government intentions and requirements. LandsD, acting in its capacity as landlord, may impose such terms and conditions as it sees fit as its sole discretion; and
 - (ii) gazetting under Cap. 370 for the proposed footbridges, carriageway and realignment of 24-hour pedestrian walkway, etc. for the proposed development is required. The programme for gazetting and authorization of the proposed road works should tie in with the programme of the land grant, in particular, terms and conditions of the proposed land grant will not be offered unless the related road scheme is duly authorized. The road works mentioned in the MLP submission should be consistent with that of the road works to be gazetted under Cap. 370;
- (d) to note the comments of the Chief Building Surveyor/New Territories East & Rail, Buildings Department (BD) that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, prior approval and consent of BD should be obtained,

otherwise they are Unauthorized Building Works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that he reserves the right to further comment on the road/bridge works at the detailed design/building plan submission stages;
- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of building plans. The provision of Emergency Vehicular Access in the site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building Planning Regulation 41D which is administrated by BD;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the water works reserve with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in the vicinity of the site;
- (h) to note the comments of the Chief Engineer/Land Development, and the Chief Engineer/Mainland North, Drainage Services Department that the maintenance arrangements of the proposed drainage facilities (stormwater and sewerage) of the proposed development, whether constructed within and outside the site, should be based on the relevant conditions of the land lease and other relevant government documents. They reserve their comments when further details and information are available;
- (i) to note the comments of the Chief Town Planner/Urban Design and

Landscape, Planning Department that the applicant should maximize the provision of greening to enhance the landscape and visual amenity of the development;

- (j) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the site is located within the Scheduled Area No. 2 and may be underlain by cavernous marble. For any new development at the proposed area, extensive geotechnical investigation will be required. Such investigation may reveal the need for a high level of involvement of an experienced geotechnical engineer both in design and in supervision of geotechnical aspects of the works required to be carried out on the site. Some geotechnical features within and immediately adjacent to the site might affect or be affected by the future development. Details of the investigation and assessment of the effects of the future development on these geotechnical features, and vice versa, together with a proposal of any necessary slope stabilization works should be submitted in conjunction with the development proposal to the relevant authorities for consideration;

- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
 - (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;

- (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (l) to note the comments of the Director of Leisure and Cultural Services that for any landscaping area under the management of the Leisure and Cultural Services Department (LCSD) to be affected by the development, prior approval from LCSD on the proposed treatment of the affected vegetation should be obtained and LCSD will cease the horticultural maintenance of the area. The Authorized Person is required to provide LCSD with details on the affect areas for record purpose. For any trees or landscaped areas to be handed over to LCSD for maintenance in future, prior agreement with LCSD should be sought.”

Agenda Item 52

Section 16 Application

[Open Meeting]

A/YL-PS/454

Proposed Social Welfare Facility (Residential Care Home for the Elderly) in “Village Type Development” and “Government, Institution or Community” Zones, Lots 611 (Part) and 1732 (Part) in D.D. 122, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-NTM/308)

192. The Committee noted that the application was submitted on 14.8.2014 and scheduled for consideration by the Committee on 26.9.2014. However, on 24.9.2014, the

applicant's representative submitted further information in response to the comments of the Social Welfare Department, the Environmental Protection Department, the Transport Department, the Electrical and Mechanical Services Department and the Lands Department on accommodation provision, sewage disposal, access arrangement and electricity substation. As the further information involved responses to comments to relevant Government departments and was received less than 1 week from the scheduled meeting, more time was required for concerned departments to provide comments on the further information. As such, the Planning Department (PlanD) requested the Committee to defer making a decision on the application for one month in order to allow time to consult concerned departments on the further information.

193. After deliberation, the Committee decided to defer a decision on the application as requested by the PlanD, and the application would be submitted to the Committee for consideration within one month from the date of the meeting (i.e. 26.10.2014).

[The Chairman thanked Mr W.S. Lau, DPO/TMYLW and Ms Polly O.F. Yip, STP/TMYLW for their attendance to answer Members' enquires. Mr Lau and Ms Yip left the meeting at this point.]

Agenda Item 53

Any Other Business

194. There being no other business, the meeting closed at 6:15 p.m..